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July 1910

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No. 1

THE NATAL AGRICULTURAL JOURNAL

No. 1.

JULY, 1910.

Vol. XV.

Of Special Interest :

OUR OPPORTUNITY.

COTTON GROWING ON THE SWART FOLOSI.

ROYAL AGRICULTURAL SHOW.

SEVENTH REPORT OF THE GOVERNMENT ENTOMOLOGIST.

NATAL TREE PLANTING COMPETITIONS.

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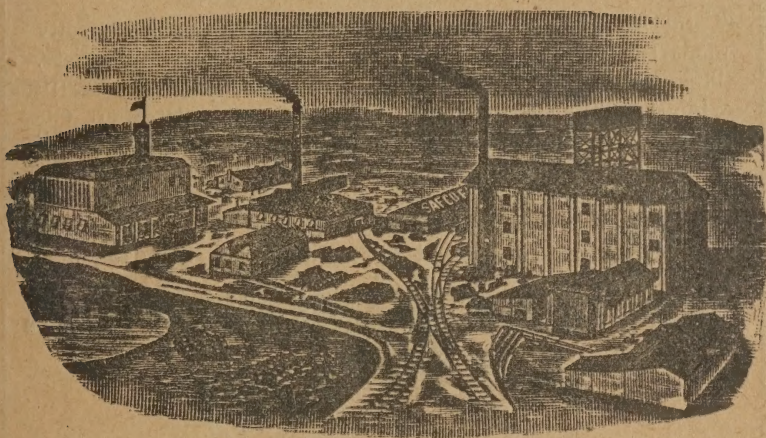
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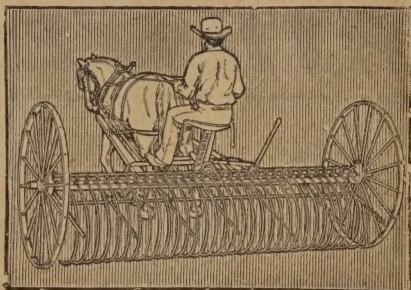
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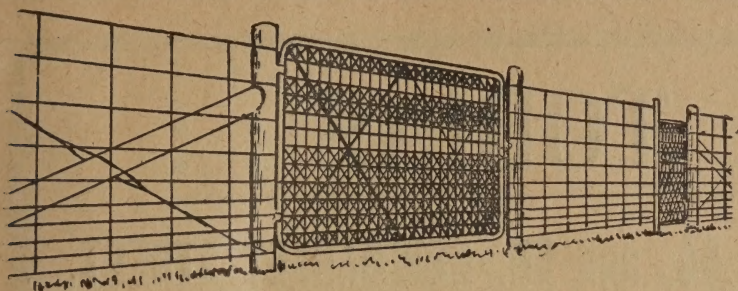
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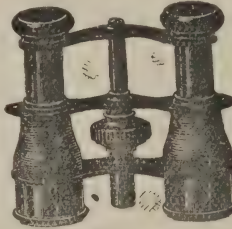
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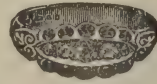
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* * * “*The Markets and Crops*,” issued as a supplement with each number of the JOURNAL, contains full information regarding South African and oversea markets and crop conditions, and Commercial Intelligence Bureau announcements.



Mr. Jas. King.

The President of the Royal Agricultural Society of Natal, whose Annual Exhibition was held in June.

The Natal Agricultural Journal.

Our Opportunity.

THOSE of our readers who have been following the reports which we have published each month on the progress or otherwise made by the mealie crop since the beginning of the season will have noticed how the general condition of the crop has gradually fallen off until, according to our latest reports, the promise is for a crop averaging not more than four muids to the acre, taking the Province as a whole. This falling off has been due to various causes which we have already remarked upon in previous articles, and there is no need to recount them on the present occasion. The fact remains that whatever the causes, a lower average yield per acre will be secured by farmers this season than they obtained last year. The yield, according to latest reports, is, as we have just said, not likely to average more than four muids to the acre, and we shall not be in the least surprised if the actual yield, when reaping is over, is found to be appreciably less than four muids on account of the adverse influence upon the crop by frosts on those farms where planting could not be done until late in the season. A comparison of the present season with last season affords an interesting object lesson on the folly of "putting all one's eggs into one basket." Certainly very few of our farmers are foolish enough to stake all their hopes on one crop, but at the same time on a very large number of farms in mealie-growing districts maize forms the staple crop; if the mealies fail or do not come up to the average the total income of the farm is much smaller than if any other crop should prove disappointing. The significance of this is brought out particularly well by the comparison of the present season with the last which we have suggested. The same acreage has been put under mealies in both seasons, but whereas last year we obtained a crop of 800,000 muids, this year we are likely to obtain not more than about 650,000 muids, and if the crop turns out to be 600,000 only we shall not be surprised. Here we see a probability of a loss of perhaps as much as 200,000 muids to the country—that is to say, from 150,000 to 200,000 muids less available for export purposes. Those acquainted with the importance of the export trade to the country will realise what this means. But this loss affects farmers more closely than at first thought may seem

apparent. It is not the same as if a smaller area had been planted—say, some 150,000 acres less than last year. In such case we should be merely failing to realise to a certain extent our possibilities in the matter of mealie growing. But it is more than this. The full 165,000 acres that were planted with mealies this season have been cultivated and have to be cultivated as if there were no possibility of a smaller yield than that of last year—in fact, if there is any difference, there must be more cultivation, in order to try and increase the yield a little at any rate. This means that an area which last season yielded a crop of 800,000 muids has this year to have as much money and labour spent on its seeding and cultivation, although it will yield quite 150,000 muids less—the total returns, that is to say, will be less than they should have been by the value of 150,000 muids.

All this points to a moral—a moral which, times without number, has before been drawn from other and similar cases—and it happens that the occasion for drawing this moral is timed most opportunely. What this moral is we have already hinted at. We have remarked on the folly of putting all one's eggs in one basket, and whilst, as we have said, very few farmers grow mealies only and rely solely upon them for their income, at the same time on most farms in the mealie-growing areas, this crop forms the principal source of income. It is a sound principle in investment not to sink all one's capital into one venture, but to distribute it over as many concerns as conveniently may be, and the reasons are obvious. In the same way it would be wisdom on the part of the farmer not to sink all or even the major portion of his time, labour, and money into one crop or branch of live stock; instead of having one main crop, choose rather three or four. It is very rare that every crop on a farm fails, and where a farmer has gone in for three or four "main crops" failure on the part of all of them—even supposing such a remote likelihood—will make him no worse off than if he had had one main crop only. What particular crops should be chosen for the purpose depends upon the district, and, of course, it goes without saying that there must be a constant and reliable market for every one of the crops chosen.

It has been with this idea in mind that we have from time to time in the past drawn attention to various crops suitable for Natal, or at least worth trying, and a reference to back numbers of the *Journal* will show that the list of crops thus referred to is no small one. Among these crops readers will remember at least two oil-bearing plants which succeed in this country, namely, the soy (or soya) bean and the earthnut. These two crops have been proved to do well in Natal, and it has only been the question of a market for their products which has prevented their being grown on anything like a large scale. In referring to these two crops in particular we have in mind a potentiality of no

mean order which Natal possesses and which during the last few months has grown to very considerable dimensions—namely, as a grower of oil-yielding products. Among the oil-yielding plants of commerce the earth-nut and the soy bean occupy now an important place, and already the Department of Agriculture has been informed by one Durban gentleman alone that his principals in London are in a position to take thousands of tons of soy beans annually from Natal. This is only one outlet; unofficially we have heard of others in Durban which are likely to prove equally extensive. At the present moment we know of at least three large factories in Durban which are in a position to take large quantities of oil-bearing products from our farms, apart from soy beans, for which, as we have just said, there is a large market at our very doors.

The cultivation of oil-yielding crops, then, is one of the directions in which we think farmers would do well to turn their energies, in order not to have too much at stake in their mealie crop. For the present we do not propose to do any more than refer to the possibilities which exist in this direction. We wished, in the first place, to draw attention, as we have done, to the folly of placing too much reliance in one crop, whether it be mealies or anything else, and to advise farmers to look around for other crops for which there may be a ready market, and then to point out that a good local market exists for oil-yielding crops, a market which should be taken advantage of. We shall be visiting Durban shortly—on the occasion of the Show—when we propose to gather together all the information available as to the extent of the market which really exists for oil-yielding products, the kinds of crops which farmers should grow, approximately how many tons annually can be disposed of in Durban in each case, what price the purchasers are willing to pay, and so on; and all this information we propose to publish in the next or the following issue of the *Journal*. With all the information available thus consolidated it will then be possible for any farmer to decide which crops it will pay him best to grow. Finally, we shall prepare and publish in the *Journal* articles on the cultivation of all the various oil-yielding plants which we have not already referred to in back issue.

Serenity, undisturbed by fretful restlessness, is a characteristic of a good brood sow. Any breeder of experience will know just what is meant when it is said that a sow is "motherly," but the exact meaning is difficult to set down in words. This maternal manifestation has an important bearing on success with a litter, and the dam's promise in this regard should have weight in her purchase.

The Maize Crop in May.

PROBABLE CROP—660,000 MUIDS.

IN our last issue we had to note a further decline in the condition of the crop—from 2·38 at the end of March to 2·27 at the end of April. During the month we issued an *interim* report to the daily press, in which we stated that, according to reports which had so far come to hand, the condition of the crop at the end of May was 2·35, corresponding to an average yield per acre over the whole Province of 4·1 muids. Since that report was published further returns have come in, and we now estimate the condition of the crop on May 31st to have been 2·32, which represents an average yield of 4 muids. This represents a crop of 660,000 muids, or a little more than we estimated in our last issue.

In the following statement the probable total crop, according to conditions at the end of each month of the season, is given, for 1910 and 1909, for purposes of comparison. It will be seen that we are a long way off last year's crop:—

| | | | | Probable crop— | |
|------------|-----|-----|-----|----------------|---------|
| At End of— | | | | 1910 | 1909 |
| | | | | Muids | Muids |
| January | ... | ... | ... | 570,000 | 886,000 |
| February | ... | ... | ... | 720,000 | 856,000 |
| March | ... | ... | ... | 675,000 | 770,000 |
| April | ... | ... | ... | 645,000 | 770,000 |
| May | ... | ... | ... | 660,000 | 750,000 |
| June | ... | ... | ... | — | 800,000 |

The following figures show how the crop this season compares with that of last year, as regards condition and consequent probable yield per acre. We give last year's figures for June 30th also, in order that readers may see what condition our crop has to arrive at before the possibility of last year's yield is attained:—

| | | | | 1910 | | 1909 | |
|------------|-----|-----|-----|-----------|-------|-----------|-------|
| At End of— | | | | Condition | Yield | Condition | Yield |
| January | ... | ... | ... | 2'0 | 3'44 | 3'1 | 5'34 |
| February | ... | ... | ... | 2'52 | 4'34 | 3'0 | 5'16 |
| March | ... | ... | ... | 2'38 | 4'1 | 2'69 | 4'63 |
| April | ... | ... | ... | 2'27 | 3'91 | 2'7 | 4'65 |
| May | ... | ... | ... | 2'32 | 4'0 | 2'64 | 4'54 |
| June | ... | ... | ... | ... | ... | 2'82 | 4'86 |

Appended will be found a table showing the progress or otherwise that the mealie crop is making in the various Magisterial Divisions of the Province. In studying these figures it should be remembered that the four "conditions," "poor," "fair," "average," and "above the average," are represented by the figures 1, 2, 3 and 4, respectively, and that intermediate figures represent intermediate conditions.

CONDITION OF CROP.

(Note.—A condition “above the average” is represented by the figure 4; “average” by the figure 3; “fair” by the figure 2; and “poor” by the figure 1: intermediate figures represent corresponding conditions.)

| Division | Condition of Crop at end of— | | | | |
|---------------------------|------------------------------|----------|-------|-------|------|
| | January | February | March | April | May |
| Lower Umzimkulu ... | 3'2 | 3'0 | 3'0 | 1'50 | 2'0 |
| Alexandra ... | 2'5 | 2'7 | 2'4 | 2'60 | 2'4 |
| Umlazi ... | 3'0 | 2'0 | 2'0 | 2'0 | 2'0 |
| Inanda and Indwedwe ... | 3'2 | 3'0 | 3'4 | 3'0 | 3'25 |
| Lower Tugela and Mapumulo | 2'4 | 2'5 | 2'5 | 2'50 | 2'5 |
| Impendhle ... | 1'0 | 1'2 | 2'0 | 1'50 | 2'0 |
| Alfred ... | 2'5 | 3'0 | 2'5 | 1'67 | 2'4 |
| Ixopo ... | 2'7 | 2'7 | 2'8 | 2'5 | 2'7 |
| Richmond ... | 2'2 | 2'4 | 2'4 | 2'28 | 2'6 |
| Umgeni ... | 2'4 | 2'4 | 2'1 | 2'14 | 2'0 |
| New Hanover ... | 2'4 | 2'4 | 2'4 | 2'59 | 2'8 |
| Lion's River ... | 1'8 | 1'8 | 2'3 | 1'82 | 2'0 |
| Umvoti ... | 2'2 | 2'5 | 2'5 | 2'29 | 2'2 |
| Krantzkop ... | 2'8 | 2'8 | 3'0 | 2'75 | 2'7 |
| Underberg ... | 1'0 | 1'0 | 3'0 | 1'0 | ... |
| Polela ... | 1'0 | 2'0 | 1'5 | 2'0 | 2'3 |
| Bergville ... | 1'8 | 2'6 | 2'8 | 2'75 | 2'5 |
| Estcourt ... | 1'9 | 2'3 | 2'2 | 2'15 | 2'2 |
| Weenen ... | 1'6 | 2'0 | 1'7 | 1'67 | 2'0 |
| Klip River ... | 2'0 | 2'2 | 2'1 | 1'79 | 2'2 |
| Umsinga ... | 2'6 | 2'0 | 2'3 | 2'0 | 2'0 |
| Dundee ... | 2'2 | 2'5 | 2'8 | 2'23 | 2'3 |
| Newcastle ... | 2'2 | 2'4 | 2'4 | 2'0 | 2'1 |
| Vryheid and Ngotshe ... | 2'6 | 3'2 | 2'3 | 3'0 | 2'4 |
| Utrecht ... | 2'5 | 2'3 | 2'0 | 2'0 | 1'7 |
| Paulpietersburg ... | 4'0 | 3'4 | 2'5 | 4'25 | 2'7 |
| Babanango ... | 3'0 | 3'0 | 2'0 | 1'0 | ... |
| Eshowe and Mtunzini ... | 2'5 | 3'0 | 2'0 | 2'0 | 2'5 |
| Emtonjaneni ... | 3'0 | 2'8 | 2'6 | 2'67 | 2'4 |

The young horses that are to be used in harness for the first time should be handled very gently and loaded very lightly until they become somewhat used to the work and the muscles become hardened so as to be able to withstand the strain of heavy pulling. Many young horses are injured by being crowded into heavy work too suddenly, and not gradually seasoned to heavy usage as they may be.

Work horses need a bath every twenty-four hours or oftener. But the “bath” needn't be given with soap and water in a tub; it can be administered with a curry-comb and brush in the barn. If you allow the minute pores of a horse's skin to get clogged with dried perspiration, both the skin and the general system of the animal become diseased.

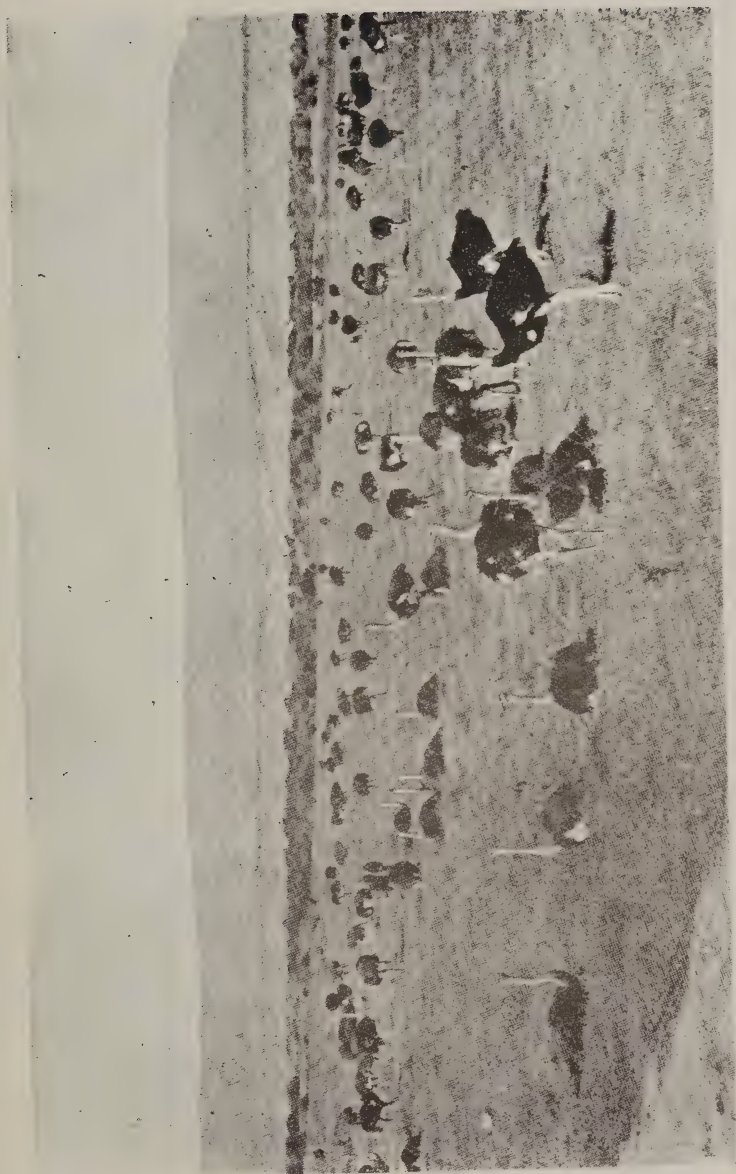


To Our Readers.

WITH this issue a change is made in the method of dating the *Journal*, in order to bring it into line with other and similar journals. Henceforth the name of the month which the *Journal* will bear will be that of the month at the beginning of which the *Journal* is issued, instead of, as heretofore, the month at the *end* of which it appears. Thus the present number, published at the beginning of July, is designated the *July* issue, instead of the *June* issue as under the old system. The present issue consequently begins a new volume—Vol. XV.,—and the index for the last volume is being issued with the present number. Another innovation which we shall make forthwith will be to present our readers with a report on the weather and crop conditions of the Province as on the 15th of each month, instead of in respect of the calendar month as before. Thus the “weather and crop” article in the August number (published at the beginning of the month) will be based on reports received in respect of conditions during the month ending the 15th July. Next season, also, we shall issue our maize crop reports on the same basis. These changes will, we think, meet with the approval of all our readers; and if there are any further desirable alterations which might be made, which may occur to our readers, we shall be glad to receive suggestions.

Method of Estimating Cotton Crops.

Mr. J. C. Crawford, Special Agent attached to the United States Bureau of Entomology, has elaborated the following directions for estimating the yield of cotton from the plants in the field—hints which will doubtless be found useful to those of our readers who are engaged in cotton cultivation. Determine the average number of sound bolls per plant, Mr. Crawford says, by counting the number of such bolls on some five adjacent plants in at least three separate places in the field, and dividing the total number of bolls counted in this manner by the total number of plants examined. Where the field is very large or contains



THE DAWN OF A NEW INDUSTRY.

A Glimpse of a Cape Ostrich Farm.

different soils, more than three places should be selected for counting. In the first column of the following table find the distance between the plants in the field, the crop of which is to be estimated. Then refer to the number on the same line in the following column, headed by the size of bolls to which the variety planted belongs. Dividing the average number of bolls per plant in the field by the number found in this manner in the table will give the fraction of a bale per acre that will be produced. In using this table, due allowance must be made for a poor stand.

Table showing number of cotton bolls per plant of various classes required at certain distances to produce a bale per acre when cotton gives 33 1-3rd per cent. of lint:—

| Distance between Plants in feet. | Number of Plants per acre. | Large Bolls, 50 to 65 per lb. | Medium sized Boll, 70 to 80, per lb. | Small Bolls, 86 to 100, per lb. |
|--|----------------------------------|-------------------------------------|--|---------------------------------------|
| 1 x 3 | 14,520 | 5.9 | 7.7 | 9.5 |
| 1 x 4 | 10,890 | 7.9 | 10.8 | 12.7 |
| 1 x 5 | 8,712 | 9.8 | 12.9 | 15.9 |
| 1 x 6 | 7,260 | 11.8 | 15.4 | 19.1 |
| 1½ x 3 | 9,680 | 8.9 | 11.6 | 14.0 |
| 1½ x 4 | 7,260 | 11.8 | 15.4 | 19.1 |
| 1½ x 5 | 5,808 | 14.8 | 19.3 | 23.8 |
| 1½ x 6 | 4,840 | 17.8 | 23.2 | 28.6 |
| 2 x 2 | 10,890 | 7.9 | 10.3 | 12.7 |
| 2 x 3 | 7,260 | 11.8 | 15.4 | 19.1 |
| 2 x 4 | 5,445 | 15.8 | 20.6 | 25.4 |
| 2 x 5 | 4,346 | 19.7 | 25.8 | 31.8 |
| 2 x 6 | 3,630 | 23.2 | 30.9 | 38.4 |
| 3 x 3 | 4,840 | 17.8 | 23.2 | 28.6 |

Example.—If, in the case of a small-boll variety like the “King,” the average number of bolls per plant is found to be 10, and the plants are put in at a distance of 2 feet in rows, 4 feet apart, the amount of the prospective yield per acre will be 10 divided by 25.4 or 0.39 of a bale.

Irrigation of the Sugar Cane.

In recent issues of the *Louisiana Planter and Sugar Manufacturer* Mr. Jesse H. Buffum has been contributing some interesting articles on the sugar industry of Hawaii, and in a late number of that journal he deals with the question of irrigation as applied to the cane crop. It appears that, when the growing of sugar cane was first started in the Hawaiian Islands, the planting was done on the windward slopes, to get the benefit of the rainfall, on which crops alone depended. As the industry grew and experience taught the planter to study natural as well as prospective conditions, it became apparent, only a few years after the

inception of the business, that rainfall alone was not sufficient for the needs of the cane. Rainfall, with a very few exceptions as to limited districts, was so irregular as to prove an element of great uncertainty in cane culture. So, early attempts were made at irrigation. Streams were dammed up and their waters diverted, short distances, to the heads of cane fields. By successful experiments the Hawaiian planters were early taught the virtues of irrigation; and their experiments were almost always successful.

So great has been the influence of irrigation upon sugar cane culture in the Hawaiian Islands that, in Mr. Buffum's own words, "the difference between the irrigated and the non-irrigated plantations spells the story of sugar success" there. As regards ratoons at least, water is first applied as soon as harvest is done and the labourers have gone over the field and leveled up the surface and stuck in new plantings wherever ratoons can not be expected to appear—wherever the parent stalk has been destroyed or uprooted. From that point of "irrigating-up," water is applied almost continually to within a month, perhaps, of cutting: this where rainfall is not counted on. In former days, rainfall produced fair crops; but fair crops would not suffice; and irrigation was the key that unlocked the door of real opportunity.

That the substantial growth of the sugar industry in the Hawaiian Islands has been coincident with the expansion of irrigation is strikingly shown by the following interesting figures, which give the average yield of sugar per acre from the irrigated and non-irrigated plantations respectively during the years 1895-1906:—

| Year. | Sugar Yield per Acre in lbs. | | | | | | | |
|-------|---------------------------------|-----|-----|-------|---------------------------|-----|-----|--------|
| | Non-irrigated Plantations. | | | | Irrigated Plantations. | | | |
| 1895 | ... | ... | ... | 5,310 | ... | ... | ... | 7,669 |
| 1896 | ... | ... | ... | 7,363 | ... | ... | ... | 9,032 |
| 1897 | ... | ... | ... | 8,710 | ... | ... | ... | 10,151 |
| 1898 | ... | ... | ... | 5,934 | ... | ... | ... | 11,269 |
| 1899 | ... | ... | ... | 7,068 | ... | ... | ... | 12,157 |
| 1900 | ... | ... | ... | 6,262 | ... | ... | ... | 12,254 |
| 1901 | ... | ... | ... | 6,561 | ... | ... | ... | 12,388 |
| 1901 | ... | ... | ... | 6,015 | ... | ... | ... | 11,681 |
| 1903 | ... | ... | ... | 6,927 | ... | ... | ... | 12,377 |
| 2004 | ... | ... | ... | 5,202 | ... | ... | ... | 11,212 |
| 1905 | ... | ... | ... | 5,625 | ... | ... | ... | 12,156 |
| 1906 | ... | ... | ... | 6,140 | ... | ... | ... | 11,526 |

In 1895, the total area of non-irrigated plantations was 23,945 acres,

of irrigated plantations 23,454 acres. In 1906 there were 46,117 acres of sugar cane growing without irrigation and 50,112 acres of imported sugar lands.

Humus for Cane Fields.

Humus has been spoken of as "perhaps the most important constituent of a fertile soil, as it influences chemical and physical properties of the soil." Its presence improves the mechanical condition of the soil, aerating it, and retaining its moisture for a much longer period than where humus is deficient in quantity. Land with plenty of humus in it never becomes so dry and hard in dry weather, nor so sodden in wet weather, as where this element is lacking. How to maintain the supply of humus has therefore been a much discussed problem amongst all thoughtful cane growers. The *Australian Sugar Journal* discusses this subject in its bearing on cane-growing, in a recent issue; and after pointing out what is, of course, the obvious solution to the question—namely, to restore to the soil that what had been taken from it in the form of cane tops and trash—but which it has hitherto been found impossible to deal with satisfactorily for the purpose in view owing to their being of so bulky a nature, the Editor of the *Journal* goes on to say that his attention has recently been directed to a system which gives promise of surmounting the difficulties in a practical and effective manner. An illustration in the same issue of the journal shows a portable gas engine and chaff cutter combined, which can either be drawn about the field by a pair of horses, or can be made self-propelling. This machine is made in two sizes, the smaller of which is calculated to chaff from 50 to 70 tons per day, whilst the larger would deal with from 80 to 100 tons of trash and tops in the same time. The labour required would be two lads gathering and one feeding with the smaller machine, and three gathering and one feeding with the larger. It is pointed out that in districts where horse flesh is any consideration, one of these machines can be put in for the cost of four good horses, and it can be used not only for chaffing but also for pumping, sawing wood, and other operations on the farm for which power is required. This machine has been devised by the Brisbane agents of the Pitt oil engine—Messrs. Foggitt, Jones & Co.—to whom the necessities of the case was explained; and patents have been applied for.

As our contemporary remarks, it is scarcely necessary to explain to practical men that once the trash and tops are cut into chaff of $\frac{3}{4}$ in. to $\frac{1}{2}$ in. in length, it will be a simple matter to secure its absorption in the soil. It could either be ploughed in during the operation of "ratooning," or even by means of the Planet Junior cultivator, as the short length of the material would not offer any obstacle to the working of an implement.

At the same time, the dew and moisture of the soil would have access to a greatly increased surface, so that the process of decay would be greatly assisted, even with those fragments that escaped absolute burial in the soil.

Compulsory Dipping in Richmond Division.

In a Government Notice (No. 325, 1910), dated the 30th May, the late Acting Minister of Agriculture ordered, under the powers conferred on him by Section 4 of Act No. 20, 1910, that, from and after the 1st July, all cattle within the Magistreal Division of Richmond shall be dipped or cleansed at such time or times and in such manner as is set forth in certain rules laid down in the Notice in question. The rules are as follows:—(1) The following terms shall have the meanings attached to them in this section, namely:—“*Inspectors*” shall mean the officers appointed by the Government for the purpose of supervising the dipping or cleansing, or other officers engaged in similar duties. “*Owner*” shall include the actual owner of the cattle and anyone having the charge or control of the cattle. “*Chief Veterinary Surgeon*” shall include the Principal Veterinary Officer in Natal, by whatever title his office may be known.

(2) Every owner of cattle within the Division shall, at successive intervals of not more than ten days, dip, spray, or dress all cattle whereof he is the owner or has charge or control in such manner as to on each occasion remove all ticks which may be upon the said cattle. (3) For dipping or spraying he shall use Laboratory Dip or any other preparation approved by the Chief Veterinary Surgeon. (4) For dressing he shall use either (1) Laboratory Dip or any other preparation approved of by the Chief Veterinary Surgeon, or (2) Cylin mixed with oil or grease, or (3) Stockholm tar and oil. (5) The owner shall not use any dip, spray, or dressing unless the same has been properly mixed. (6) Inspections will be made of all cattle at least once a month and cattle-owners and any person on whose land cattle may be shall give the Inspectors every facility for carrying out their duties of inspections.

(7) If from the condition of any cattle an Inspector is of opinion that any of the provisions of this order have not been properly carried out, or that further dipping, spraying, or dressing is necessary, he shall have authority to require the owner to dip, spray, or dress to his satisfaction the said cattle in such manner and at such intervals as he may direct, and the owner shall carry out the instructions of the said Inspector. If the Inspector deem it necessary he may himself carry out the work at the cost of the owner of the cattle and the owner or the person on

whose land the cattle may be shall give the Inspector such help with labour or otherwise as he may require. (8) This order shall extend to Native Locations and Mission Lands lying within the Richmond Division. (9) This order shall take effect from and after the 1st day of July, 1910. (10) The Chief Veterinary Surgeon shall have power, upon receiving a representation from not less than twelve cattle-owners in the Division or in any district in the Division that, owing to the severity of the winter, dipping cannot be safely carried out as required by this order, and after satisfying himself that such is the case, to relax the conditions of the order in such part or parts of the Division or district as he may consider proper, and for so many of the winter months as he thinks necessary.

Advice.—It is advisable not to dip or spray on cold, wet days, and in the case of working oxen they should not be worked for some few days, as they may show signs of distress; if they do, they should be outspanned and placed in the shade if possible. In addition to dipping or spraying, it is advisable to spray or hand-dress certain parts of the animal (ears, brush of, and underneath tail, etc.), between the dippings or sprayings. Any further advice required may be obtained on application to the Chief Veterinary Surgeon.

Fruit Export.

The following is a copy of a memorandum which has been received by the Acting Under Secretary for Agriculture from the Commercial Agent for Natal in London, on the subject of the export of citrus fruit to England. The memorandum is dated 10th May:—"In view of the lamented death of King Edward, and the period of general mourning that inevitably follows, the London season will practically be a "dead letter" this year, and this will severely react upon the demand for high-class fruit. I yesterday made enquiries at Covent Garden in regard to the prospects before our naartjes, and the general opinion appeared to be that the trade in this particular fruit would be slack, and it would be inadvisable to ship in any large quantity at any rate until the probable weekly consumption could be more closely determined after the first few arrivals. I therefore thought it well to get Reuter's to sound a note of warning in this respect, so that excessive quantities should not be shipped, and advise senders to keep in touch by cable with their agents on this side, in order to regulate the supplies according to the exact demand."

Distance of Planting Cotton.

The following conclusions have been reached, as the result of experiments that have been carried out at the Surat (India) Agricultural

Station with a view to determining the best distance at which to plant cotton in the rows:—(1) The spacing of 18 inches between cotton plants is not sufficient, for the yields of all the plots so spaced have fallen considerably below those obtained from the plots spaced at 24 inches, 30 inches and 32 inches apart, and there is very little to choose between these last three spacings, all giving about the same results in the present season. (2) The best results in the case of thinning have been obtained with a 24-inch interval between consecutive plants. The plots thinned to this distance have yielded at a rate of nearly 40 lb. of seed cotton per acre more than those thinned at 6 inches, 12 inches and 18 inches. This result was obtained on land rather below than above "good condition," having yielded a crop of Guinea corn in 1907-8, at the rate of 1,050 lbs. per acre, while the cotton crop in the present season ran from 300 to 350 lbs. of seed cotton. No manure has been applied to this land, which came into the possession of the farm only two years ago. It will be interesting to see if future years' figures confirm these results. (3) Generally, there seems to be reason for concluding that any arrangement of spacing and thinning which admits of more than 11,000 or 12,000 plants per acre has a prejudicial effect on the yield. The *West Indian Agricultural News*, in commenting upon these conclusions, remarks that the distance of two feet apart in the rows has been found best in similar experiments conducted in St. Kitts.

Protecting Birds.

The following birds have been added to the schedule of protected birds under the Act for the Protection of Insectivorous and Other Wild Birds (Act No. 33, 1896). We give the popular English name and the Zulu name following in brackets:—Barbets, all varieties (isiqopamuti, usibagwebe); bee-eaters, all varieties (izinkota); bitterns, all varieties (utekwana); canaries, all varieties (umzwilili, umzwingili, umbalane); coucals, all varieties (ufukwe); cuckoos, all varieties (inkanku, uhambo, ubantwanyana, pezukwomkono); ducks, all varieties (inada); egrets, all varieties (ukironko, ubone, nozalizingwenya, ilanda, amalandana anancane); flamingoes; flycatchers, all varieties (isanqawane, uve, intengu, uve lumnyamana); gallinules, all varieties; geese, all varieties (amaransi); hammer head or mud-lark (itegwana); herons, all varieties (ukironko, ubone, nozalizingwenya, ilanda, amalandana anancane); honey-guides, all varieties (ingede); hoopoes, all varieties (imvundana, unukani); hornbill, ground (insingizi); ibis, sacred (inkondhlo); ibis, hadidah (inkankane); kingfishers, all varieties (isivuba, inhlunu, unongozelo); lapwings, all varieties (titihoya); long-claws, all varieties; night-jars, all varieties (uzavolo); orioles, all varieties (umgoqongo); plovers, all varieties (titihoya); pratincole, collared—small locust bird; pratin-

cole, black-winged—small locust bird; rollers, all varieties (ifemfe); secretary bird (intungunono); shrikes, all varieties except the fiskal jackie langman (ipemvu, inqupan, iboboni, uhlazi, umhlopekasi, ugon-goni); shrikes, drongo, all varieties (intengu, intengwana); storks, all varieties (nogolantete, igolantete); sugar-birds, all varieties (umtshivovo); sun-birds, all varieties (umcwinewi, incuncu, uncwinewi emnyama); swallows, all varieties (izinkonjane); swifts, all varieties (inkonjane); teals, all varieties (idada); thushes, all varieties (agaga, isihlalematsheni, umutshwi); tits, all varieties; trogon, African or Narina (umndweza); wagtails, all varieties (umvemve); warblers, all varieties (uvuze, ibovi, imbuzana, uboi, ngceta, udogwe); wattled starling; waxbill, all varieties; white-eye (umchlwane); woodpeckers, all varieties (isiqopamuti).

Orange Wine.

Now that we are in the middle of the citrus fruit season, a recipe for making orange wine will doubtless be welcomed by those growers who have more fruit than they know what to do with. The following recipe we take from the *Queensland Agricultural Journal* of recent date:—In a tub or vat of 15 or 20 gallons capacity, carefully cleaned, put 40 lbs. of peeled oranges, rejecting any unsound ones. Then bruise the fruit and pour 4 gallons of water over it. Stir the whole carefully, and work well with the hands until the juice and pulp are separated from the solid matter. Then let the whole rest for ten to twenty-four hours, and strain through a coarse bag, with gentle pressure. A gallon of fresh water is to be added to the mash, to remove any soluble matter remaining, and is strained into the other liquor. From 25 lbs. to 30 lbs. of white sugar are next dissolved in the must or juice thus obtained, and the measure of fluid increased by more water to 10½ gallons.

The must is next put in a tub or vat, over which a blanket is thrown and a board over that; and the whole kept at a temperature between 55 degrees and 60 degrees. Here it must remain for twelve to twenty-four hours, according to the state of the fermentative process. It is then to be drawn off into a cask, until the fluid reaches the bung-hole, so that the scum may overflow and be thrown out. As fermentation goes on, and the bulk of the liquid diminishes in the cask, the superfluous must made for that purpose should be poured in, so as to keep the liquid near the bung-hole. When the fermentation diminishes still more, which may be known by the cessation of the hissing sound, the bung is driven in and a gimlet hole bored on one side. Put a wooden peg in this hole, and remove it from time to time to let the gas escape; when the escape of gas is too feeble to extinguish a lighted match, knock the peg in for good. Then fine the wine with a tablespoonful of isinglass, and in a few weeks it will be fit for bottling.

The "Midget" Motor.

We have to thank a correspondent for drawing our attention to an article in the April issue of *South African Engineering*, describing a new form of farm tractor which has just come on to the market. This particular tractor is the "Midget Universal" motor, the invention of Mr. H. P. Sanderson, the owners of the patent for South Africa being the South African Agricultural and Transport Motors, Ltd., of 62, London Wall, London, E.C. According to the description given by our contemporary, the motor is made for 3 to 50 brake horse-power. The smaller sizes, 3 and 4-h.p., are air cooled, the larger sizes, up to 50-h.p., being water cooled, a tank carrying the cooling water being mounted upon the same carriage as the engine. The carriage for the engine and cooling tank is made of girder iron, mounted on wheels, and can easily be adapted for carrying loads of various kinds, or a belt can be taken from the engine, to drive sawing machines, pulping and grinding machines, pumps, dynamos, and any other apparatus that may be desired. It is arranged in full portable form for carrying loads, and for ploughing, harrowing, and other work.

The engine is made, the smaller forms with single cylinders of 4, 5 and 6-in. diameter, and 5 and 6-in. stroke, the approximate brake-horse-power being 4, 8, and 12½. Two-cylinder engines are made with cylinders of 4, 5, and 6-in. diameter, strokes of 5 and 6 in., the approximate brake-horse-power being 8, 16, and 25. Four-cylinder engines are made with the same diameter of cylinders and strokes as above, the approximate brake-horse-power being 16, 32, and 50.

The engines can be arranged to work with petrol, or with the ordinary kerosine or paraffin oil, that can usually be obtained anywhere, or with alcohol. The speeds of the engines are from 600 to 800 revolutions per minute. The valves are of nickel steel, of comparatively large diameter, the exhaust valve in the water-cooled engines being surrounded by the circulating water. The joints are metal to metal, the exhaust being packed with asbestos. The circulating pumps are of the rotary type. The ignition apparatus usually supplied is electrical, with accumulators and high-tension trembler coils. Magneto ignition can be supplied if required. The lubrication is of the usual splash type, the crankshaft being enclosed in the usual way, the crank-case being divided so that the lower half can easily be removed for examination. The governors of the engine act on the throttle valve, controlling the supply of vapour and air entering the cylinder on the suction stroke. A lever is arranged for advancing and retarding the spark when required, and the same lever controls the throttle. The stationary and portable engines carry tanks form-

ing part of the bed-plates, one tank containing spirit fuel, and the other petroleum, where petroleum is employed. When using petroleum, it is necessary to start on spirit, petrol, the petroleum being substituted as soon as the carburetter becomes warm, which is stated to be in about a minute from starting.

Vanilla Culture.

In an article in the *Queensland Agricultural Journal* for May, Mr. Howard Newport, F.R.H.S., Instructor in Tropical Agriculture, thus summarises the conditions necessary for successful vanilla cultivation:—*Climate*: Tropical humid; rainfall, 60 to 100 inches or more, well distributed, but with a well-defined dry season of two or three months; even temperature about 75 degrees to 80 degrees Fahrenheit. *Soil*: Vegetable mould—i.e., ordinary scrub soil of 6 inches or more in depth, with, by preference, a well-drained subsoil. *Situation*: Gentle slope or flat land, well protected from wind; avoid wet hollows. *Clearing*: Brushed scrub, leaving 250 trees or so per acre, not too dense shade—i.e., that some chequered sunlight is obtained by the vines. *Plants*: cuttings 2 feet to 4 feet long. *Planting*: One on either side of each tree trunk—i.e., about 500 per acre, about December or January. *Cultivation*: Pulling down climbing vines above 6 feet high from trees, and draping over supports, about twice in the season; keeping roots mulched where exposed; pollinating flowers—September to November. *Harvesting*: Gather pods every two days at least—July to September. *Curing*: Dipping, colouring, sweating, drying, and handling; grading and packing for market. *Marketing*: Wholesale confectioners, etc.; prices, 8s. to 16s. per lb. *Returns*: 100 to 120 lbs. per acre of 500 vines. *Cost of Production, etc.*: Estimated cost of opening 5-acre vanillery, £40 per acre, including cost of land and labour, but not living expenses, till bearing; cost of production estimated at not more than 4s. per lb. of marketable vanilla.

Paper from the Bamboo.

According to our West Indian contemporary, *Agricultural News*, the American Consul at Tamsui, Japan, reports that very satisfactory experiments have been conducted recently, near Kobe, by a company which has been formed for the purpose of manufacturing paper from bamboo pulp. An area of 8,000 acres of bamboo forest, in Formosa, has been leased perpetually to this company, and a factory is being erected near Kagi which will be capable of dealing with 300 tons of bamboo pulp a month; the capacity of this factory may be readily enlarged, so as to make it double its output.

The Chinese have made paper from the bamboo for many genera-

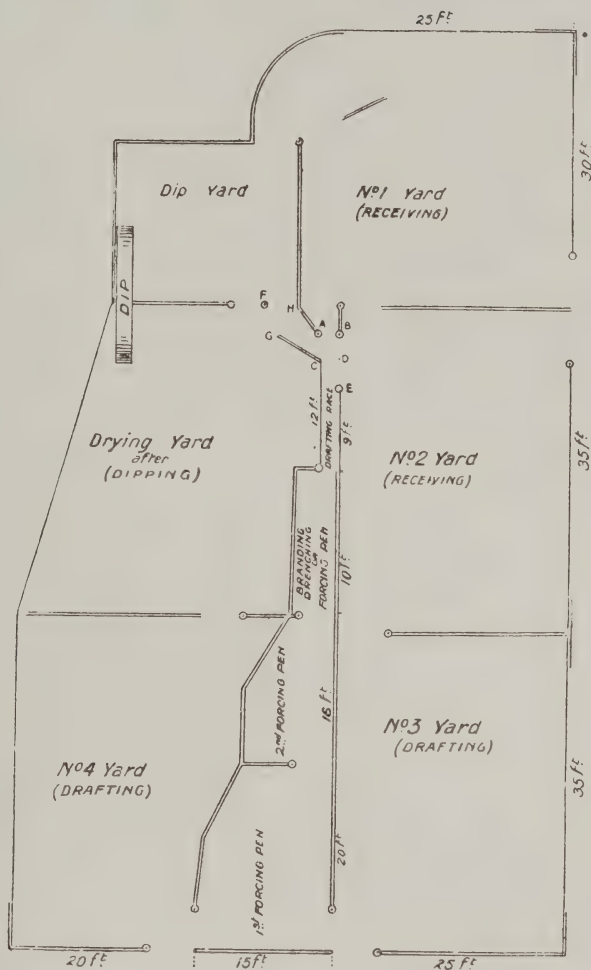
tions, but their primitive methods have only permitted them to employ the shoots for the purpose. The company will, on the other hand, make use of both the young and old parts of the plant. The quick growth of the bamboo will prevent the question of the supply of raw material from ever becoming serious. So far, the paper has been made by mixing wood pulp with that of the bamboo, in varying proportions; the process of preparing the paper from bamboo pulp alone is too expensive at present, compared with making it from wood pulp. The final object is, however, to use a pure bamboo pulp. In its broad outline, the process of manufacture of the pulp is as follows:—The bamboo, chopped into pieces 1 or 2 inches in size, is heated in a digester with calcium sulphite. The resulting product is then washed in water, bleached and washed again. Finally, the wet pulp is pressed, by means of a machine, into the form of web, dried with the aid of steam, and rolled or cut into sheets. This dry pulp will then be manufactured into news and book paper at the mills at Kobe, in Japan.

A Plan of a Sheep Yard.

Mr. Jas. J. McCall, the Government Wool Expert, stationed at Cedara, writes us as follows:—"As I have had several requests from farmers to hand you plan of the sheep-yards which I have erected on this farm, for insertion in the *Journal*, I have now much pleasure in complying with those requests. As the plan is not theoretical, but practical, and may be seen by anyone who may honour the farm with a visit, I have from experience satisfied myself of its utility. All the old-time catching by the legs and throwing of sheep over the fences is unnecessary where such yards are adopted. I have taken about 100 copies of this plan, and shall be pleased to forward one to any farmer requesting same. Should the accompanying explanation not prove lucid enough, I shall only be too happy to explain anything further which may be required." We reproduce Mr. McCall's sketch in the present issue of the *Journal*.

Leg weakness in fowls is often the result of a lack of mineral matter in the food. If you have any birds affected give them ground bone in the mash and notice the improvement.

Commence to feed the pigs as soon as they show a disposition to eat. Commence with a light ration of bran and milk or oatmeal and milk, and then gradually increase as they learn to eat. Give them all they will eat, but no more, as sour food of this kind is injurious.



PLAN OF SHEEP-DIPPING YARD AT CEDARA.

(Scale, 1/20th inch to the foot.)

The above has been drawn from a plan by Mr. J. J. McCall, the Government Wool Expert, who forwards the following explanation:—

Two drafting gates hang on posts A and B and swing between C and D. There is no post at D, but the gate hanging on E meets and overlaps B Gate on the outside. This is to allow of narrowing or blocking the mouth of the race with E Gate and at the same time jamming the two drafting gates. The gate hanging on F swings between G and H and is placed according to the yard into which it is required to draft on that side.

Drafting gate is 3 feet high and made of 1½ inch deal boards.

The double lines show the stakes and rail fences. All interior of yard is stakes and rails. All outside, except corners, is 5 plain wires and wire netting. The small circles show the posts in which the gates are hung.

Cotton Growing on the Swart Folosi.

By ARTHUR DIXON, F.G.S.

I AM at present on a visit to this fertile valley inspecting the various plantations of cotton on the farms Brackfontein, Schoonenzicht, Mongenzon, Bankeroft, Naawport, Vlackfontein, Onricht. In all there are over 10,000 trees of the Caravonica and over 2,000 upland annual plants spread over the above farms as experimental crops.

The climate of this valley is suitable for profitable cotton growing because it has a uniform warmth, being surrounded by high hills which shelter it from cold winds and give the humid air required for cotton, the rainfall being moderated by the attraction of the high lands, and the water shed tapping the carboniferous measures of Northern Natal give in this valley an abundant supply of water for irrigation on a large scale. This rainfall and climate is an ideal one for cotton, and corresponds favourably with many of the cotton fields in other parts of the world, for on the above farms you can pick coffee and tea, arrowroot and chicory, sugar cane and pepper, dates and apples, and other sub-tropical plants.

The soils are largely composed of vegetable humus and the decomposed shales and oxides from the hills above, and are very deep in good loam underlaid by gravel and resting on boulder clay. Thousands of acres of such ground are suitable for growing cotton and are well drained and out of the frost belt of the rivers. By the crops of uplands cotton now in full blow it is evident that they need a heavy loam, and it is well to select the best, friable, well-drained soil of a lighter loam if Sea Island or better kinds of cotton are sown. Thousands of acres here can be placed under irrigation because the lay of the country is such that it is falling southward and the soils which overlap the rock bed are such that they can be well cultivated without being waterlogged. The red loam here above the clay beds if well manured will prove, as is already shown by existing crops, to be good cotton ground, for if the plantations are not shaded from heavy winds and the ground is of too light a nature the heavy top crop loosens the main body of the plant and insures its growth, so lands with heavy subsoil are preferable.

The cotton crop is one that not only requires good tillage but good manuring, and it is advisable to obtain all the surplus vegetable growth and rot it down in holes dug out of the ground and free from water, and layer upon layer cover over with lime and salt to produce nitrate of potash; this rotten compost covered with the liquid urine from the cow sheds and pig styes gives a first-rate manure to the cotton crop. Al-

ternate with this you can make a nitrate of ammonia to force the seed into quick growth. It is also well to top dress every three years with a suitable manure to keep up the fertility of the soil for the success of the cotton crop depends on the soil being rich and able to give life to the plant to cast the bolls, and give clean cotton.

Cotton is subject to blight and mildew and must be kept clean and well in hand with sufficient room to let air and sunlight to the crop; and the under layer of ground must have drainage. Those growing cotton must keep in hand Paris green, bluestone and lime to be ready on the first appearance of worm or blight to treat successfully. Rotation of crop is also necessary—maize, beans, peas, oats, and heavy green crops to give nitrogen to the plant. Land should be blocked out and every third year cotton should be in succession. The plants thus under good cultivation would give 14 to 20 bolls each.

Cotton should be able to produce parametta cloth, and I have already seen here natives spinning wool with a wheel and turning their products to marketable use. This should be encouraged so as to give employment to looms and introduce local manufacture. The average cost of producing cotton per acre here is as follows:—

| | £ | s. | d. | | | £ | s. | d. | |
|-------------------------------|---|----|----|-------------------|-----|-----|----|----|---|
| Ploughing and Cultivating ... | 1 | 10 | 0 | 700 lbs. Lint. 7. | ... | ... | 11 | 13 | 4 |
| Manuring ... | 0 | 10 | 0 | Seeds ... | ... | ... | 1 | 1 | 0 |
| Seed Sowing... | 0 | 4 | 6 | | | | | | |
| Picking ... | 1 | 15 | 0 | | | | 12 | 14 | 4 |
| Cleaning Ginning ... | 1 | 15 | 0 | Less expenses | ... | ... | 7 | 2 | 0 |
| Transport ... | 0 | 12 | 6 | | | | | | |
| Interest on outlay, etc | 0 | 15 | 0 | Profit per acre | ... | ... | 5 | 12 | 4 |
| | 7 | 2 | 0 | | | | | | |

This profit will rise or fall according to how the crop is cultivated and treated; it requires sowing not more than 2 inches deep in regular rows 4 to 5 feet apart, with 1½ to 2 feet between the plants. After a few years of careful cultivation and the local climate and seed studied, with the application of manures this valley and other parts of Natal will become the home of the cotton plant, for it is possible to give rise to new industries with new kinds of cotton, as the native samples are long in texture, and prove that these sub-tropical districts only want tact, capital and labour to produce tea, coffee, cotton, arrowroot, chicory and sugar cane. Those wishing to know more of the secret of the industry should pay the Zwart Folosi a visit, which would well repay inspection.

Weeding out the poorest cows is the best way to improve the record of any dairy in the amount of milk and butter produced in proportion to the number of cows kept.

Sheep and Wool Judging.

By DAN HOCKLEY,
Commando, Adelaide, C.C.

(A Paper read before the Agricultural Judges' Association of the O.R.C.)

WHEN I accepted the invitation in which this Association did me the honour of asking me to take part in the discussion to-day, I did so with a good deal of pleasure, because it has always been a pleasure to me to join in and listen to any discussion where the merino sheep is concerned. At the same time I don't want to sail under false colours. I don't want any of you to think I am looked upon as an expert in the Cape Colony, as I am only an ordinary sheep farmer, but one who loves the animal and who has always tried to increase his knowledge on the sheep in every way possible. The subject, gentlemen, that I have taken for my paper to-day is "The seeming discrepancy between the judgments of our sheep judges and wool judges at our agricultural shows." This is a matter that has often puzzled visitors to our shows, and, while admitting this seeming discrepancy, I will do my best to throw a little light on the matter, and prove that both sets of judges are quite correct in their judgments. The show committees when selecting judges get their wool judges from the ranks of the wool buyers, and quite right too, because these men, from their training and experience, know more of wool as wool than the man who produces the wool. Now, in handling wool the buyer first of all considers what the yield of wool is going to be, or, in other words, what weight the wool is going to lose in washing. On this he practically bases his calculations. He has to study other points as well, I admit, such as length and strength of staple, the evenness with which these characteristics are spread through the fleece, and also the lustre and quality of the wool. When a wool man, be he judge or buyer, has come to the end of his little list of points, he is ready to give his decision.

THE SHEEP JUDGES.

Now, let us come to the sheep judges, and see what they have to do. These men are selected not merely from sheep breeders, but, if possible, from those who have handled stud sheep as well. When judging, these men have to study not only the points considered by the wool judges, but a host of others as well. True, they are not so much concerned about the yield of the wool itself, but have to consider another point of considerable interest to the farmer, and that is the yield of wool per sheep. They

have to see that a sheep is well clad; has his wool well packed on, and carries plenty of it. You must remember it matters little to the wool judge whether the bale of wool he is handling comes off 50 or 150 sheep, while to the breeder it is a point of considerable importance. Sheep judges have to be, if anything, more particular than wool judges about the evenness of distribution, because, in skirted or show wool, all inferior parts such as poor bellies, coarse breeching, etc., are left out. Apart from the wool again a sheep has to be taken and criticised from his teeth to his hoofs. The judge has in his mind's eye to take his wool off him and judge him clean shorn. He must have good teeth meeting the upper pad just at the right place, neither too far forward nor too far back, the nostrils must be broad and open, the head short and broad with jaws set well apart. Now, these points are not mere matters of fancy. They are important. If the teeth are either too far forward (overshot), or too far back (undershot), he can't crop his grass properly, especially when it is a bit short. In fact, such a sheep ought not to be bred from. If the nostrils are pinched, the animal, on a hot day, will stand panting for breath instead of grazing. Between the jaws of a sheep are placed the saliva glands, hence the wider apart the jaws are placed the more fully developed these glands will be; giving more saliva, which is so necessary to a good digestion. The neck should be short and thick, chest roomy and deep, giving plenty of room for the lungs, ribs well sprung and back straight and broad. In general appearance a sire should be big and upstanding, be masculine in appearance. In fact, he should look the sire. A ram undersized and carrying a ewe's fleece would be no good in a stud flock, as his progeny would very likely show want of constitution. I have often seen a ram carrying a fleece commendable to wool judges, quite overlooked at a show for being wanting in the above points. By the foregoing I think, gentlemen, you will see that sheep judges have some points of vital importance to consider besides just the fleece a show animal carries. Besides this there is one point, often overlooked by, probably not known to, the visitors, which will account for the seeming discrepancy in the judgments at our shows. Wool exhibited at shows is taken from the common flock, as the wool is probably more uniform and the farmer has a larger number to select from. Sheep exhibited are selected from the stud flock. Now, what is a stud flock? I take it a stud flock is one possessing in an exaggerated degree all the desirable qualities of the common flock. Wild animals, as we know, are governed by the "survival of the fittest." This preserves their health and constitution. With the domestic animal, on the other hand, man has so completely changed their surroundings that we find a constant tendency to deteriorate, and to become forced to counteract this. Were we to aim at having our stud sheep carrying fleeces as desired by the wool buyers and

judges, our common flock fleeces would gradually get thinner and lighter, and our sheep eventually produce wool more like cobwebs than real wool. Hence the necessity of having our stud flocks perhaps not ideal, but exaggerated. As I may be misunderstood about the term exaggerated, I would like to explain that although a breeder may not admire very yolky or very pleaty sheep, he should tolerate them in his stud flock, as the progeny of these sheep when put to common ewes would be likely to produce stock without their own faults and quite satisfactory to their owner. I do think, however, that in the question of pleats the thing has been unnecessarily over-exaggerated.

The Judging of Shorthorns.

By C. A. POPE,
Molteno, C.C.

(From a Paper Read before the Agricultural Judges' Association of the O.R.C.)

AGRICULTURAL shows can give valuable assistance to our cattle breeders, by directing their efforts into the correct channels, provided always that the officiating judges are conversant with the needs of the country, familiar with the breed they judge, and able to recognise the type of animal that will give the best results. Men will always differ in their opinions, but if these opinions are founded on intrinsic value, rather than minor points or captivating general appearance, we shall be working towards a common centre, *viz.*, the selection of the animals which are going to pay the best. This brings me to the subject in hand, *viz.* the judging of Shorthorns.

Being essentially a dual purpose breed, every effort should be made to retain this character, by favouring neither the exclusive beef or milking type. The first step in judging a class is to take at once on one side any animal—no matter how taking in shape—which shows any impurity of breeding, or malformation of mouth, or other parts, because we are judging Shorthorns, not cross-breds; and because purity of blood is indispensable in stud stock. Every pure-bred bears stamped on its countenance the character of its breed; only familiarity with the breed will enable a judge to recognise this point, it cannot be described. Upstanding horns, black noses, not slightly discoloured ones, unless they accompany other suspicious signs. Any colour but red, white, or a mixture of these.

A sleek, hard-looking coat. All these are signs of impurity. There is another on which I place considerable reliance, a decided lightness of the lower thigh, when viewed from the side. Lack of characteristic shape is also a less trustworthy indication. Having now only animals of Short-horn type before us, we look for the points which we associate with conditions. Width between the front legs, large girth, with a good floor to the chest, the underline here should come well below the elbow, well developed, barrel-shaped middle, with long back ribs. These denote large internal organs. A thrifty appearance, and a well balanced form on short, strong, straight legs. Even straight feet. A free, easy walk and evidence of power and energy.

Then we take note of the signs of the natural thicknesses of flesh or muscle. This is easy to see when an animal is in low condition, but at shows high condition will sometimes confuse the senses. Signs are, thickness of thighs when viewed from behind, large forearms, a moderately short neck, thick and fleshy behind the horns, well covered shoulders and full neck vein, a firm touch on the ribs, and other points. If on handling, the flesh is very soft below the skin there is more fat than flesh, and with this a thin hide is generally associated. A moderately fleshed animal, with a full, heavy flank, is as fat as it will get, and consequently will be wanting in natural flesh. Aptitude to fatten in an animal in medium condition is judged of by the kindly contented outlook, the pliable skin and generally lusty, thick-set appearance. In cows we look for signs of milk, but though there are many so called, I have yet to learn that any one, or all combined, are infallible proofs. Still, a nicely shaped udder and teats, large milk veins, and digestive organs, a general refinement of character, with well defined nervous system, are points worthy of note. A pronounced character is of great importance, the bull should also be masculine in appearance, the cow feminine. Shorthorns should be fairly large in size—very large animals are difficult to breed true to shape—but not too unwieldy for getting about on the veld! Weight for age is a most important point, but it must not be forgotten that the thickest-set animal on short legs, will often outweigh the tall, apparently larger, animal. The leading societies could with advantage arrange for a suitable weighbridge in their show yards. Loosely made, long backed cattle may give good returns where food is plentiful, but they are unsuited to our present day conditions.

In taking note of the structural points of an animal, we must guard against being misled by high condition. The mouth, teeth and jaw must be fitted to deal easily with coarse food. The head of a Shorthorn should be clearly cut, and intelligent looking—not too fine or delicate. The neck strong, but not too short, and swelling into the shoulders, which should

be laid back—but not too tightly—into the chine. If the shoulder is rightly placed, the blade well covered, and there is thickness through the heart, there will seldom be any deficiency behind the shoulder on top, or at the shoulder point. The ribs should arch, and come well down, giving a flat floor below. The forelock, behind the elbow, should be well filled out. A wide chine—cows should not be too beefy here—level back, thick, wide loin with paralled edges, well covered hips, not too prominent. Long, wide hindquarters—to length from hip to rump should not be less than two-thirds of a yard, the length from hip to posterior edge of shoulder-blade—well packed with flesh, which should descend squarely to just above the hocks. It is difficult to get the hindquarters equally good above and below; the most valuable portion is the upper, but a flat, square rump running out to a decided rectangle, with deficiency in the thighs, is too often associated with delicacy and want of natural flesh. Still, the top and under lines should be fairly straight in outline, and every part as well filled and covered as possible. Soft, light coloured horns are generally preferred; with age these frequently become darker in hue, but black, or even a dead white are objectionable. The horns should be flat rather than round, not coarse either in bull or cow, and should not rise to any extent above the level of the poll. Eyes bright, and not small or deep-set; very prominent eyes are liable to suffer from the strong light and dust in this country. Nose light in colour. A smooth, even surface of body adds to the appearance, and indicates an even distribution of fat; whereas patchiness or concentration of the fat in lumps is to be avoided. A good carriage of head and neck is very attractive, and a stylish appearance and high breeding generally go together. Quality is judged by the mellow feel of the skin, by the pronounced presence of an under skin or cellular tissue, by the fleshy covering of the brisket, shoulder point, neck vein, and by the soft, silky hair, curly on the forehead of the bull. Length of hair is to a great extent a matter of climate. I have said little about milk indications. There is only one practical way of determining the dairy qualities of a cow, that is testing the quantity and quality of her milk at intervals, and keeping a record of the time she continues in milk before calving.

Exercise is essential to the welfare of both mare and foal. Green pasturage is, of course, the ideal environment for the brood mare, and especially by its cleanliness has a salutary effect in the prevention of ills. The early foal without the advantage of this environment is peculiarly liable to the contraction of disease from germs lurking in the stable.

The Thoroughbred Horse in South Africa.

By CHAS. SOUTHEY, C.M.G.,
Clumstock, C.C.

(A Paper read before the Agricultural Judges' Association of the O.R.C.)

BEFORE entering into a discussion on what is called the thoroughbred, it will be as well to consider the origin of this famous breed of horse, which by its superior excellence, has spread over the civilised world. We know that Great Britain has been the cradle from when this most valuable breed has come to us. The history of the turf tells us that as far back as the 15th Century England possessed a superior breed of horses noted for their speed and endurance, and that the rich barons and ecclesiastics bred and raced them against each other. We have it on record that in those days four-mile heats were run, as often as three times in one day, which is a proof of the enormous power and staying qualities which these horses then possessed. Then we find that during the 16th century large numbers of eastern horses were imported, Arabs, Barbs and Turks, to improve the breed. That the blood of these eastern horses did wonders is well known. One has only to look into the pedigrees of the greatest sires and dams of the stud-book to find that they all trace back to eastern blood. To-day we see in the appearance of many thoroughbreds the resemblance to their eastern forbears, notably Craig Millar and also that greatest of thoroughbred sires Stockwell. In the unbeaten Ormonde, however, there is no trace of eastern blood, but a strong resemblance to the old English racehorse as shown in old prints. I will now turn to the usefulness of the thoroughbred, as there are many people who, either through ignorance or prejudice, prefer to look upon him as valuable only for sport or as a gambling machine, whereas in my opinion he is the most useful horse in the world, namely, for getting remounts for cavalry, or mounted infantry. Those who know what they are about will use no other than the pure thoroughbred sire. All the Continental powers are using him for this purpose, chiefly Austria, as for many years her agents, notably Count Lehendorff, whom since as far back as 1880, have been and still are on the look out to procure the very best of thoroughbred sires for their Government. I have here a book written by the Count, and will quote you what he says on this subject. "What would become of our half-breds, what of our cavalry, without a continuance of crosses with stallions of pure blood, bred for stoutness and chosen on account of their excellent qualities so as to constantly renew the necessary steel of the



THE EFFECT OF MANURING.

The above illustration, which has been sent to us by one of our readers, shows in a very interesting manner, the effect of manuring upon root crops. Our correspondent's letter describing this picture will be found in our Correspondence Pages in this issue.

breed?" Now, I wish to impress upon you that this same blood is what we require for what is called the "general purpose" horse, as in the future this horse will be our principal arm of defence in South Africa. Not only will we require him here to mount our own South African forces, but to renew the lost trade with India by the exportation of large numbers of remounts for the Indian Army. Now, just one word with regard to the turf. Those good people who disapprove of horse-racing do not understand that the thoroughbred can only fulfil its mission provided that the yearly produce is continually subjected to severe trials on the racecourse, where the inflexible winning-post is the judge as to the merits of the competitors. But for these trials of strength, speed and endurance in the past there would to-day be no thoroughbred, and if the turf ceased to exist so would the horse. We will now turn to the thoroughbred in South Africa. As far back as the time of Sir Charles Somerset, we began the importation of this breed of horses; but previously the Dutch East India Company had been in the habit of getting Arabs down the East Coast, and no doubt the excellence of the old Cape horse which was such a favourite in India sprung from the mingling of the blood of the thoroughbred and Arab as in Britain. Fifty years ago there were many breeders, both in the Eastern and Western Provinces, who bred and raced horses, notably, the van de Byls, Coetzees, van Zyls, Oosthuisens and others, but although these horses were bred from thoroughbred sires, most of them were what to-day we should call half-breds. In '80 I conceived the idea of breeding thoroughbreds, and the first step I took was to go to England and buy not only sires, but also dams, of pure blood, whose ancestors had for centuries been accustomed to compete on the racecourse for victory. I will here hand you a photograph of a filly, bred in the third generation in South Africa, from these imported mares. She is descended on both sides from Stockwell, through Craig Millar and Blair Athol and you will notice the resemblance to her ancestors of the Eastern type. I have long held that given the right blood and treatment this country could produce horses equal to any other country in the world. I might mention Camp Fire as an instance, bred by myself in the third generation from the imported mare, who greatly distinguished himself on the English turf in 1907, and is to-day standing at the stud there. With regard to blood, care must be taken not to in-breed too closely, as it has been ascertained that the best horses in England have been produced in the fourth, fifth and sixth degrees of consanguinity. Horses too closely in-bred nine times out of ten are worthless, and I do not believe in out-crossing. Next to blood comes food and care. The two must go together or the result will be disappointing. At all stages the mares should be kept in good healthy condition. A poor conditioned mare will produce a weakling, resulting in curly

hocks, calf-knees, etc., instead of that robustness and vigour which is absolutely necessary to produce a good racehorse. In conclusion, I wish to impress upon the people of this country not to look upon the thoroughbred simply as a racehorse, for the amusement of the public, but to realise the fact that constant trials of courage, speed and endurance is only the means to an end which in the future is to supply us with an invaluable "general purpose" horse. I now hand you the outlines of a horse with my idea of the points which should be accorded him in the show ring.

Preparing Poultry for Exhibition.

By EXPERIENCE.

IN preparing poultry for exhibition all birds should be in the best of plumage and condition so as to catch the judge's eye. White plumaged birds must be washed, and it would be as well that the exhibitor should be able to wash the fowls. The most essential points to be observed are that three receptacles will be required to properly wash a bird, one for the washing, another for the rinsing, and another in which there is a little blue—No. 1 bath. Place two tablespoonfuls of Lux, then pour some soft boiling water, and let it stand a moment or two and then stir so as to lather well, then pour sufficient water in the bath so as to have it tepid. Then take the bird to be washed and, firmly holding it with both hands, immerse it all except the head, and let it remain under the water till thoroughly soaked to the skin. Next hold the bird by placing thumb and forefinger firmly round the wing joint near the shoulder and with a sponge rub down the bird the same way the feathers grow, commencing with the neck hackle, next wings, then tail, and finally back and under parts. Care must be taken not to damage the sickle feathers of the cockerels, but don't be afraid to put on a little pressure with the sponge. If ordinary care is taken not a feather need be broken; if the shanks are extra dirty use a nail brush freely till all the dirt is removed. Now you can remove the bird to No. 2 bath and immerse it after having rubbed off all the soapy water. This bath must be filled with warm water and bath No. 3 with cold water containing blue. Gently rub down the feathers with a clean sponge, opening the wings under water to remove any soapy substance therefrom so as to enable the feathers to web-out properly. Next immerse the bird in bath No. 3. Repeat the process.

of rubbing with the sponge, after which remove the bird from bath and holding it firmly by the thigh. Remove all the water possible by means of the sponge, squeezing out the water in the sponge as you proceed.

Next dry the bird as much as possible with towels, after which place it in a moveable show pen in the warm sunshine; if it is thought the sun is too fierce place a towel on the roof of the pen; some fanciers prefer to wash their fowls in the evening, but from experience I am of opinion that the feathers web out much better with the sun than by placing the pen before a fire to dry the bird, and then there is a risk of placing the pen too close to the fire so as to cause steam to rise from the body, and if placed too far away may cause a chill. A white plumage bird should be washed for the first time about ten days before the show and three days previous to the day of the show.

Birds should be placed each in separate pens three weeks before the show and fed mostly on soft foods, which makes longer feathers. When you first visit the birds after being placed in their respective pens let it be with a few bits of lean meat and approach them gently. After a few days induce the birds to take bits of meat, etc., from the hand, and when they will do this you may safely handle them, but don't thrust your hand into a pen suddenly but move it along the floor gently, then raise it and endeavour to stroke the bird. When you can do this take up the bird with both hands gently but firmly, then set him down again, keeping one hand on its back, and if he rushes about take him up again; the bird will soon get accustomed to this handling. Put him through this performance for a few days, after which you may try to stroke the bird along the back with a cane, so as to enable the bird to get accustomed to the judge's stick or cane, and, when the bird takes to this treatment kindly, get it to stand erect and show itself off to the best advantage and ready for the eventful show day. Many a promising specimen has been ruined through want of a little preliminary training and unaccustomed to handling. It is always advisable when birds are intended for show purposes that they should be frequently handled during their growth. Nothing tames a bird like frequent handling.

I might mention that it is only necessary to wash other than white plumage birds, say, a week before the show. Of course it is absolutely essential that the bird's legs be looked after and in good condition.

The first hen out in the morning and the last one in at night are almost certain to be two of the best ones you have, although the one that gets into the garden every day will give either of them a close chase for first place.

Natal Agricultural Union.

PROCEEDINGS OF THE ANNUAL CONFERENCE.

(Continued from Page 576, Vol. XIV.)

By an error on the part of the printers, the following report of the Government Bacteriologist, laid before the Conference, was omitted from the last issue, where it should have appeared in conjunction with Mr. Fuller's report:—

MR. PITCHFORD'S REPORT.

There is nothing of any great importance to record I think during the last twelve months. Progress in the work of disease investigation is always slow, particularly where such work is undertaken upon a very limited scale—as in Natal, and the past year has been no exception to the rule.

Last year—as you will remember—I was hoping to undertake a series of inoculations in Zululand among the horses of the Zululand Mounted Rifles, in the hope of being able to protect them from the disease horsesickness. The full details of this broader experiment are not yet available, but the results so far—though not so completely successful as I could have wished—are nevertheless quite useful in broadening our experience. Seventy-six horses were inoculated, and of this number—you will see from my report of last November—only thirty-one reacted vigorously, the remainder either failing to react or showing but a slight disturbance of temperature. Of the horses reacting well, only two have succumbed, while of those that failed to react, or reacted feebly, ten or twelve have died. This would seem satisfactory in itself, but a further point has come to light of a less satisfactory nature although it adds to our knowledge concerning this disease.

The deaths occurring among the above non-reacting but inoculated animals are, at the present date of writing, slightly in excess of the deaths occurring amongst the horses left uninoculated. The results of the next two months may disturb this proportion, as evidence is growing that length of time between inoculation and exposure to infection is an important factor, and the Zululand inoculations were not finished till November, or late in the season. I fear, however, we must accept the possibility of the production of an increased susceptibility for a time after inoculation (such as one finds in inoculation of the human being



MAIZE EXPORT AND THE MACHINERY TRADE.

The above illustration gives some idea of the effect which the maize export is having upon the machinery trade. Here we have a view of a single day's consignment of Ruston Proctor Engines and Shellers leaving Messrs. Malcomess & Co's, Durban Store.

for enteric fever, etc.), and this increase of susceptibility seems to exist to the greatest extent in those cases which have been inoculated with the germs of the disease in the form of a mild vaccine, but have not reacted to the same. This points to the necessity of increasing either the quantity or strength of the vaccine in those cases which are found to resist reaction to the first inoculation, otherwise the condition of susceptibility rather than immunity is for a time increased.

This is quite an unexpected development, and points clearly to the necessity of conducting work of this nature on broad lines instead of the very meagre ones possible to Natal in the past. The general results of the late work in the disease Horsesickness go to show (1) That where horses are inoculated and react to such inoculation, a considerable degree of immunity is produced. (Among thirty-three mules so inoculated, but not exposed to infection in the Tugela Valley until some months after, not a single death has occurred. The majority of these animals have now completed their third sickly season.) (2) That where pronounced reaction does not follow inoculation, such reaction must be forced by repetition of inoculation.

The above is briefly the position at present date with regard to this investigation in Natal, and we may claim that, even if success has not been brilliant, progress has been solid, which, in such a difficult study as the disease Horsesickness, is a matter for satisfaction.

In other directions, also, progress is to be reported. Experiments are now in hand in connection with effect of dipping upon the skin in relation to tick attack, etc

The measures devised for prevention of the disease amongst calves, known as "Specific Pneumonia," are standing a prolonged test with most encouraging results, this disease being now nearly eradicated for two seasons from the large experimental herd under observation. I hope now to make provision upon an adequate scale for the production of an anti-toxic powder for general issue on farms subject to the ravages of this disease.

Several so-called preventives and cures for East Coast Fever have been looked into and found wanting. At present the remedy of the Oosthuysen Syndicate is receiving attention, but I am not in a position to say anything concerning it until the conclusion of the tests. I hope that none of the ordinary precautions against the disease will be remitted in the slightest until such time as an efficient preventive is secured.

The following is a continuation of the report of the proceedings of the Conference.

RE-STOCKING MAGAZINES.

The delegate of the Krantzkop Farmers' Association moved:—

"That the Government immediately re-stock all the magazines in outlying districts with ammunition as before."

Mr. Sykes seconded.

Mr. Fleming moved as an amendment:—

"That the Government immediately re-stock all the magazines in outlying districts with rifle ammunition for the use of the Reserves and for sale to the public at cost price."

The amendment was carried.

MILITIA ENCAMPMENT AND EAST COAST FEVER.

Mr. Walton moved on behalf of the Donnybrook Farmers' Association:—

"That this Union wishes to pass a vote of censure on the Government for having allowed the Militia Encampment to be held at Taylor's, in the midst of a district grossly infected with East Coast Fever, and with the risk of spreading the disease on the return of the Militia to their homes in other districts."

Mr. Wood thought it was useless crying over spilt milk. It was like flogging a dead horse.

The motion was lost.

EUROPEAN IMMIGRATION.

Mr. Burman moved on behalf of the Durban and Coast Society of Agriculture and Industry:—

"Seeing that the number of the white inhabitants of the Colony is so small, this Union is of opinion that Government should be asked to take into their most earnest consideration the advisability of introducing some scheme for the permanent increase of the European population by the importation of suitable families, to take up and occupy the Government lands of the Colony or lands to be acquired for this purpose."

In moving, Mr. Burman said he understood there were about 4,000 Europeans engaged in agricultural pursuits in Natal; Mr. Moor was credited with stating these figures, but in order to be liberal he would double these figures, making 8,000, and these figures on 36,434 square miles gave one European to every $4\frac{1}{2}$ square miles. Natal had three great sources of wealth—agricultural land, pastoral land, and minerals. They in Natal had passed the sample stage and our crops had become a staple production, though farming, properly understood, was only at the beginning of its career, and it was only by these means that they could get the true prosperity of the Colony. The figures quoted proved conclusively that Natal had room for at least three or four times as many Europeans to occupy the land. This question was brought before the

Union some years ago and was thrown out on the grounds that while the disabilities suffered by the farmers continued, they could not agree to closer settlement. He agreed that disabilities did exist, as they did in every country; there were drawbacks even in the oldest and best regulated countries. Since the resolution was thrown out, they found the settlement of Creighton had sprung into existence, and that at a time when it was fifty miles from the railhead: now it was a thriving settlement, with the railway running through it, and exporting from thirty to forty thousand muids of maize, notwithstanding it was 156 miles from the seaport. Then again since that motion was thrown out, the Government and the shipping companies had introduced a policy by which the farmers could place their maize on the European markets—with what results they all knew. Surely this was sufficient argument; and what could be done at Creighton could be done in other parts of the Colony.

Proceeding, he said he would like to point out that, apart from tick fever, the difficulties engendered by which it was impossible to ignore, there were no disabilities now such as there were two years ago. Grain and produce generally would show a better average return for the last three years than for the previous three years. He pointed out that they had nothing to fear from increased production. The farmers of Natal had done a great deal and suffered much, and he hoped they would not restrict further development by putting a ring fence around what they had done. He hoped that the passing of this motion would lead to every political body taking up this question and to the introduction by the Government of a land policy on such a basis as would attract the best men from Europe to this country.

Mr. Marriott thought absentee landlords should be taxed until they could not exist. (Hear, hear.) This would force the land on to the market. No man should be allowed to own thousands of acres which he was not actually occupying. The opportunity should, further, be given to colonists' sons to acquire the vacant lands of the Colony before such lands were allowed to pass into the hands of oversea immigrants.*

Mr. Moon said the Government should first assist the small farmers of the Colony, who were the real producers; and if any money was going to be spent, let charity begin at home.

Mr. Dick said that if this matter was going to be taken up, he hoped the stipulation "suitable families" in the resolution would be acted upon in the proper light.

Mr. B. B. Evans considered that farmers would be well advised to keep their sons on the land instead of, as many were doing at the present time, sending them into the towns. Furthermore, boys on the farm should be taught to fill in their time. It would be far better for them

to be playing cricket or tennis than be lying on their backs reading novels during their spare time.

Mr. Hancock was sure all present would agree with the broad principle of the increasing of the farming population of the Colony, but he did not altogether agree with the resolution as it stood. The question was, what was the most suitable scheme of immigration? With the exception of the Dronk Vlei scheme, all the schemes which the Government had taken up hitherto had proved failures. The scheme suggested in the resolution was fraught with great difficulties, and he would move an amendment urging the Government to continue its efforts in the direction of immigration and land settlement.

This amendment was seconded by Mr. E. J. van Rooyen.

Mr. Wood agreed with the principle of the resolution, but he was not in accord with all the statements made by the mover. For example, 50 per cent. of the available land in the Colony was in the hands of the natives, whilst a considerable percentage of the remainder was not arable, being covered with rocks and stones. Furthermore, Natal could not be compared with Canada and Australia, since in those countries larger yields of crops were obtained. Natal was not a grain-growing country in the sense the mover had suggested. He preferred to let the settlement of the country proceed naturally.

Mr. Smallie said they wanted men with capital—not the class of population that Canada was attracting, which was rather a working population for the towns.

Mr. I. M. van Rooyen said that in his district alone they had lost during the last two years 30 or 40 young men who had not been able to find land locally and had had to go up to the O.R.C. They must look to the rising generation of the Colony for future settlers on the land.

Mr. Blaker said that Mr. Dick had said they wanted "suitable farmers": even more did they want suitable land to put them on. (Hear, hear.) He considered that they should proceed slowly with the settlement of the land, beginning with their own sons.

Mr. Walton was quite in sympathy with the resolution, but he thought the present was an inopportune time to put the suggestion embodied into effect.

Mr. King said there were only small portions of the Colony which would lend themselves to closer settlement. Closer settlement should be left to be brought about by the young men of the Colony, who should be encouraged to remain on the land.

Mr. Burman withdrew his motion in favour of the amendment, which was then put to the vote and carried.

GATES ON PUBLIC ROADS.

Mr. Mitchell, representing the Lower Umzimkulu Agricultural Association, moved:—

“That this Conference would urge upon the Government the advisability of all gates across the public roads of the Colony being painted white, so as to avoid danger to night traffic.”

This was carried.

P.W.D. CONVENIENCES.

Mr. Cadle moved on behalf of the Weenen Farmers' Association:—

“That, in the opinion of this Union, the time has arrived for the Government to make provision in the way of latrines to be used by the various P.W. Departments wherever camped on the public roads.”

This resolution was carried.

FRANKING CORRESPONDENCE.

Mr. J. M. van Rooyen moved on behalf of the Umvoti Farmers' Association:—

“That this Union is of opinion that Secretaries of Farmers' Associations be authorised to frank all correspondence going through post connected with Association matters.”

The resolution was lost.

ERADICATION OF TOP GRUB.

Mr. Moon moved, in the absence of the delegate of the Umvoti Farmers' Association:—

“That the Union is of opinion that measures should be taken to eradicate the top grub by destroying all old mealie stalks.”

In moving, Mr. Moon referred to the danger which the grub was becoming to the Colony. He advocated burning the mealie stalks as soon as possible, which would help them to a great extent to get rid of the grub. So far as he personally was concerned, for three years in succession he had been careful to break the mealie stalks down with an old railway line, after which he passed a horse rake over, and his mealies had been far better than those of any of his neighbours. He did not say that this was a perfect remedy, but he did think that this would assist them as mealie growers to an enormous extent.

Mr. Rencken asked how they were going to compel the natives to eradicate the grub, and what use it was for the white farmers to do anything if the natives took no action in the matter?

Mr. A. Meyer said his experience was that “vaporite” was the best means of eradicating the grub. It was always effective. Fifty acres could be treated for fifteen shillings, and a boy could cover five acres a day.

Mr. Cadle said that if the measures suggested to be taken to eradi-

cate the grub to be made compulsory by law, then he would oppose the resolution, as he did not see how the grub could be eradicated completely.

Mr. Dick asked if the Government was to be asked to frame some measure for the purpose of dealing with the matter.

Mr. Hancock said he was strongly opposed to this continued interference by the Government with the occupation of the farm. (Hear, hear.) Let them have a little liberty. In what form was the Government to be asked to legislate? And could any measures be devised which would be really effective? (Hear, hear.) He was pleased to add his testimony to the value of "vaporite," which was very effective for the eradication of the grub.

Mr. Oldacre remarked that dust had been found effective for the purpose of smothering the crop: this was, in fact, one of the directions in which Weenen phosphates had been found of value.

Mr. Wood pointed out that, in his district at least, farmers required the stalks for their cattle, and it would be a serious thing if they were compelled to burn the stalks. As regards the natives, he said that in his district they burnt their stalks as fuel.

Mr. Smallie thought the matter was one for individual effort. In his district they would not like to be compelled to destroy their mealie stalks, as it would be a great hardship since they used the stalks as winter feed for their cattle.

Mr. Marwick moved the following amendment:—

"That this Union is of opinion that measures should be taken to induce farmers to eradicate old mealie stalks with a view to eradicating the grub."

At this stage the President pointed out that Mr. Fuller had fully investigated the matter already. The best method, in Mr. Fuller's opinion, of dealing with the pest, was to destroy the mealie stalks during the winter, and perhaps, in the early spring put in trap crops.

Both the original resolution and the amendment were lost.

MAIZE PRODUCTS.

Mr. Wiltshire, representing the Upper Biggarsberg Farmers' Association, moved:—

"Maize being one of the most important products of Natal, this Union is of opinion that, in the interest of the Natal mealie grower, it is the duty of the Government to collect and publish all information procurable—especially from American sources—as to discoveries and experiments, by which the value of the plant may be, and is, enormously increased."

Mr. Wiltshire referred to the results of scientific investigation in

regard to secondary uses for mealies. It had been proved that sugar and alcohol can be obtained from this plant, besides paper.

Mr. Marriott seconded.

Mr. Marwick pointed out that information on all these points had already been published in the *Natal Agricultural Journal*; whereupon

Mr. Wiltshire withdrew his resolution.

DOG TAX.

Mr. A. von Levetzow, representing the Vryheid Ward I. Boeren Vereeniging, moved:—

“That this Union earnestly requests the Government to instruct the Police to carry out the provisions of the Dog Tax Act with regard to collars and badges, as the stockowners suffer at present heavy losses, as they are unable to trace the owners of dogs, and cannot claim compensation for destruction of sheep.”

Mr. G. van Rooyen seconded.

Rev. Mr. Scott pointed out that the resolution, if passed and given effect to, would lead to the theft of badges and collars by the natives from the farmers' dogs.

Mr. I. M. van Rooyen moved an amendment advising the Government to restrict the number of dogs by putting an additional tax on all dogs over one.

Mr. Hancock was opposed to any suggestion having for its object the restricting of the number of dogs. Dogs were necessary to keep down vermin, and the more dogs they had the better.

Mr. Moon moved, and it was agreed, that the words “also that farmers be requested to assist the Police by supplying them with the number of dogs on their farms,” be added.

Mr. Van Rooyen withdrew his amendment in favour of the amended resolution.

The resolution, as amended, was carried.

RELATIONS BETWEEN MERCHANT AND FARMER.

Mr. B. B. Evans moved on behalf of the Mid-Illovo Farmers' Club:

“That in the opinion of this Union the existing relations between merchant and farmer are not altogether what they should be in order to develop the best interests of both, and considers it would be advisable for the Union to discuss this matter.”

In moving, he said there was a slight, but unmistakable and growing feeling of distrust on the part of farmers against the merchants.

Mr. Smallie thought this was not a matter which the Union could deal with.

Mr. Burman moved the following amendment:—

{“That, in the opinion of this Union, it is necessary that a Govern-

ment weighing bridge be maintained at the Point to weigh any produce that may be required in the interests of buyers, sellers and shippers."

Mr. Evans withdrew his motion in favour of Mr. Burman's amendment, which, on being put to the vote, was carried.

INDUSTRIAL USE OF WATTLE WOOD.

Mr. Bruyn, representing the Noodsberg Road Farmers' Association, moved:—

"That this Union is of opinion that Government should be asked to make experiments with black wattle wood for industrial purposes."

Col. Leuchars, in seconding, said that they had millions of tons of wattle wood which would rot in the field unless some steps were taken to make use of it. He referred to the possibility of using the wood for making acetic acid and paper pulp.

Mr. Newmarch also spoke in favour of experimenting with a view to discovering of what value wattle wood is for paper pulp.

The resolution was carried unanimously.

FAREWELL MESSAGE FROM MR. DEANE.

At this stage the President announced that he had received a letter from the Government to the effect that the Minister of Railways and Harbours (Hon. Col. E. M. Greene) would act as Minister of Agriculture.

He also read the following telegram which had just been received from the Hon. W. A. Deane, who was leaving by the "Bolmoral Castle":—

"Am just leaving Natal and regret my inability to be present with you to-day, but I am with you in spirit, especially in respect of your deliberate decision to uphold the E.C. Regulations for the maintenance of the present restriction of movement of cattle. My parting words to you are that I regret somewhat that the farmers of Natal have not availed themselves as far as they might have done in respect of the facilities offered by Government in regard to loans for the erection of dipping tanks. I am thoroughly convinced that there is nothing to equal dipping. I want to thank those who have so very loyally supported me in my policy, and I feel sure that the excellent fortitude with which so many have borne their losses in E.C. Fever is a sure indication that Natal's stock farmers will still by their courage and perseverance ensure the future welfare and prosperity of our land. Farewell."

It was decided to send the following telegram to Capetown in reply to Mr. Deane's message:—"Conference appreciates and reciprocates your

kind feeling, and wishes you pleasant and profitable journey and safe return."

EAST COAST FEVER—(*Continued*).

At this stage Col. Greene, the Acting Minister of Agriculture, arrived, and was welcomed by the President. Mr. Evans announced that Col. Greene would like to address the Conference in order to explain the new regulations regarding dipping which the Government had decided to adopt.

Col. Greene, who was received with applause, said that he understood that the report of the Advisory Commission had already been submitted to them. Many of the recommendations in that report commended themselves very strongly indeed to the Ministry, but unfortunately they had not the power under the law to go to the length suggested by the Commission. In the first place they had no power to place anyone under licence. The second point was that they should make dipping compulsory throughout the Colony. When the Government had wanted to get the money required for dipping, Parliament would only grant it on the understanding that dipping would not be made compulsory throughout the Colony. As a result dipping was optional. In the event, however, of a district deciding to come under the law dipping could be made compulsory in that district. In reply to a question, Col. Greene said that the law made dipping in such cases compulsory alike for natives and whites. (Applause.)

Col. Greene then proceeded to read a Government notice embodying the new regulations regarding East Coast Fever which had been decided upon. These regulations would come into effect on 15th May; and they were as follows:—

IT IS HEREBY NOTIFIED, for general information, that instructions have been given to all Stock Inspectors and other officers that after the 15th day of May no permits are to be issued for the removal of cattle for any purpose whatever unless in each case the officer is satisfied that the whole herd from which the cattle are to be taken is reasonably free from ticks.

Attention is also drawn to Act No. 20 of 1910, under which meetings may be called in any Magisterial Division or in any districts which may be created within a Division, to consider the question of enforcing the dipping or cleansing of cattle.

Should any Division or District adopt the system of compulsory dipping or cleansing, an order will be issued by the Minister as required by the Act, the terms of which will be to the following effect:—

The maximum time allowed for successive dippings, spraying, or dressing will be ten days;

The cleansing of cattle shall be carried out in one or other of the ways and with the materials stated below;

The order will not be deemed to be carried out unless in every case it is sufficiently thorough to remove all the ticks which may be upon the cattle.

(a) *Dipping*.—Material to be used: "Laboratory" dip or any other preparation approved by the Chief, Veterinary Division. Special Directions: Care should be taken that the ingredients are mixed according to directions. It is advisable not to dip on cold wet days, and in the case of working oxen they should not be worked for some few days, as they may show signs of distress. If they do they should be outspanned and placed in the shade if possible.

- (b) *Spraying—Hand Dressing.*—Material to be used: (1) Same as for dipping; (2) Cyllin and oil or grease; (3) Stockholm tar and oil.

The order will extend to Native Locations lying within any district to which the order may apply.

A reasonable time will be allowed by the order for the erection of dipping tanks in each Division or District.

Inspections will be made of all cattle at least once a month, and cattle owners and any person on whose land cattle may be will be required to give the Inspectors every facility for carrying out their duties.

(References to "Inspectors" include other officers engaged in any similar duties, and when the word "Owner" is used it includes anyone having the charge or control of cattle).

If an Inspector finds any cattle in such a condition as in his opinion shows that the Minister's orders has not been properly carried out he will have the power to require owner to dip, spray or cleanse the cattle to his satisfaction, and in such a way and at such intervals as he may direct, or the Inspector may himself carry out the work and the cost shall be paid by the owner of the cattle. The owner shall give the Inspector every help with labour and otherwise in carrying out the work.

As soon as the cattle throughout any Division or District are, in the opinion of the Chief, Veterinary Division, practically free from ticks, that officer may give instructions to Stock Inspectors allowing the movement of cattle within the Division or District under permits to be granted on suitable conditions.

Such an instruction may be recalled by the Chief, Veterinary Division, if at any time he finds that the cleansing of cattle has not been properly carried out throughout the Division or District.

(The expression Chief, Veterinary Division, will include the Principal Veterinary Officer in Natal, by whatever title his office may be known).

The Chief, Veterinary Division, shall have power, upon receiving a representation from not less than twelve cattle owners in any Division or in any District in the Division, that, owing to the severity of the winter, dipping cannot safely be carried out as required by the Minister's order, and after satisfying himself that such is the case, to relax the conditions of the order in such part or parts of the Division or District as he may consider proper, and for so many of the winter months as he thinks necessary.

In reply to a question, Col. Greene said that, under the regulations governing the advances to farmers for the construction of dipping tanks, applicants had 15 years in which to pay, and no instalment was due for the first two years.*

A number of questions were put to the Acting Minister of Agriculture; and after a hearty vote of thanks had been passed to him for his presence and for his explanation of the new regulations Col. Greene left the meeting.

ORGANISATION OF THE UNION.

Mr. Hosking moved on behalf of the Royal Agricultural Society:—

"As, under present conditions, all the members of the Agricultural Union are delegates from the various Agricultural Societies or Farmers' Associations, in order to encourage a greater interest to be taken in the agricultural matters of the Colony, this Union is of opinion that some scheme should be formulated, providing that anyone can become a member of this Union, with all privileges and rights to vote, by payment of an annual subscription of £3 3s., without representing any special Agricultural Society, but any candidate for such membership to be nominated

*We published in our last issue full particulars of the terms upon which loans can be obtained from Government by farmers for the purpose of constructing dipping tanks.—Ed

and voted for by the members of the Agricultural Union, on conditions to be agreed upon hereafter, past delegates only eligible."

Mr. Moon seconded.

Mr. Hyslop pointed out that if this motion were passed they would change the character of the Union. They were a Union not of private individuals but of bodies of farmers.

Mr. Mitchell said he considered they were quite out of order in considering such a resolution as this without the usual 60 days' notice being given.

The President ruled accordingly.

FINANCES OF THE UNION.

The adjourned debate was continued on the resolution moved previously by the Royal Agricultural Society's delegates to the effect that the time had arrived when Government should be approached for an annual grant of £1,000 to the Natal Agricultural Union. After some discussion the resolution was put to the meeting and lost.

In view of the condition of the finances of the Union Mr. Mitchell moved that the various affiliated associations be asked to assist by increasing their subscriptions to the extent of 50 per cent.

After some discussion, it was decided to levy 50 per cent. on the amount of last year's subscriptions.

E.C.F. ADVISORY COMMISSION'S REPORT.

Mr. Mitchell moved the consideration of the E.C.F. Advisory Commission's report. He proposed a hearty vote of support in respect of the report.

The President said that this was the last chance they would have to fight East Coast Fever. The suggestions embodied in the Commission's report constituted the only way there was left to them to deal with the disease. He appealed to them to pass the report loyally and with one vote.

Mr. Hyslop said there was one recommendation in the report which he would like discussed before the report was passed. This was the suggestion of the fencing in of infected areas for the mere purpose of stamping out the disease.

Col. Leuchars said that the vote of the previous day against Mr. Scott's motion confirmed the report. He could hardly vote for the report after voting for Mr. Scott's motion.

The President did not understand this attitude at all. He did not see any connection between the rejected resolution and the report. Regarding Mr. Hyslop's remarks, he did not think there was any chance of a Union Government stepping in and stamping out herds of cattle. For himself he was quite prepared to take the risk.

Mr. King took the same view of the matter as Mr. Hyslop. If they passed that portion of the Commission's report it would give the Union Government an excuse to adopt stamping out, which they would be ready to take advantage of.

Mr. Power said he did not think that stamping out should be done everywhere indiscriminately to the west of the line—only in isolated cases where considered advisable.

Mr. Mitchell drew attention to the next paragraph of the report which stated that stamping out would not be confined to the west of the main line, and that only where necessary would stamping out be adopted.

In reply to a question, Mr. Power said he was not in favour of any general stamping out, either to the east or to the west of the line. Proceeding, he considered that the words "where considered advisable" should have been added to the clause of the report in question.

Mr. Newmarch considered that they should not vote on the report at all.

Mr. Wiltshire said the question was, how would those who had to administer the law giving effect to the recommendations of the Commission interpret this portion of the report? He considered it was a most serious question.

Mr. Mitchell asked leave to withdraw his motion.

This was agreed to.

EAST COAST FEVER INVESTIGATION.

Mr. Landsberg moved on behalf of the Krantzkop Farmers' Association:—

"That this Union is of opinion that the Government set aside a sufficient sum in order to investigate the more prominent alleged cures for East Coast Fever."

Mr. Blaker asked Mr. Power what steps the Government was taking in this direction.

Mr. Power replied that the Government Bacteriologist was carrying out investigational work in connection with East Coast Fever. The Government was always willing to test alleged cures, provided that the owners of the "cures" were prepared to meet all expenses.

The resolution was carried.

TRAFFIC OF NATIVES.

Mr. Smallie moved on behalf of the Hatting Spruit Farmers' Association:—

"That Government be requested, per means of Magistrates and native chiefs, to endeavour to stop the constant traffic of natives through fences otherwise than by gates and roads."

Mr. Oldacre seconded.

Mr. Landsberg pointed out that there was already a law on the subject.

Mr. Newmarch referred to a case in Greytown recently where a native was prosecuted for entering a farm through a fence, but the Magistrate had discharged the native.

The resolution was carried unanimously.

IMPORTATION OF MULES.

Mr. Van Rooyen moved on behalf of the Weenen Farmers' Association:—

“That this Union recommends the Agricultural Associations to take steps to import mules for their members.”

Mr. I. M. van Rooyen seconded.

The resolution was carried unanimously.

SHIPPING REBATES.

Mr. Mitchell moved:—

“That, in the opinion of this Union, the time has arrived to ask when shipping rebates should be made illegal.”

The resolution was passed.

DELEGATES TO HET KONGRES.

Messrs. Von Levetzow, I. M. van Rooyen and Wiltshire were appointed to represent the Union at the Conference of Het Kongres to be held at Vryheid in May.

A vote of thanks to the President and Executive for their labours during the past year brought the proceedings to a close.

EAST COAST FEVER.

In the course of the Executive Committee's report, the following report on proceedings in connection with East Coast Fever resolutions was read:—

The resolutions carried at last conference were forwarded to Government immediately after the Conference, and replies were received on 28th May, 1909. A meeting of the Executive was held on the evening of 17th June to discuss these replies, and at that meeting it was decided to arrange a meeting with the Minister of Agriculture and Prime Minister. This meeting took place on the 18th, when the Minister of Agriculture and the committee went fully into the whole question. The Prime Minister and Treasurer were also seen at different periods of the interview. The whole position was fully discussed, and, as a result, the Executive afterwards communicated with the Minister of Agriculture thanking him, the Prime Minister and the Treasurer for the cordial reception accorded to the committee, and noting the following points gained through the interview:—

- (1) A sum of £30,000 to be immediately available for the purpose of fencing throughout the Colony.
- (2) The fencing to be commenced without delay and actively carried out.

In the letter to the Government confirming these views the President drew attention to the increasing feeling among farmers that the restrictions then in force were unduly hampering their operations, and that unless movement of cattle were entirely stopped farmers would rather see all restrictions removed. It was again urged that assistance should be claimed from the other Governments of South Africa, either by loan or grant to enable Natal to obtain complete control of East Coast Fever.

From this date till September, when the meeting of the Inter-Colonial Union was held, the matter was left in the hands of the Government. It was felt that a fencing scheme must in any case precede the larger programme for dealing with East Coast Fever set forth by the Conference. It became evident, however, during this period that the Inter-Colonial action urged by the Conference was not taking place and did not appear to be seriously urged by the Natal Government. The subject was, therefore, brought before the Inter-Colonial Union on 5th September, when the following resolutions were passed:—

- (1) That this Union is of opinion that the various Governments of South Africa should be approached with a view to securing united action for the eradication of East Coast Fever.
- (2) That each Government be requested to take immediate action to give effect to this resolution, and that a representative of each Colony and State be appointed to form a permanent committee, and to approach the various Governments to urge the carrying out of the resolution, each Colony to appoint its representative.

In conformity with these resolutions a committee was elected as follows:—Messrs. G. C. Lee (Cape Colony), E. W. Evans (Natal), E. A. Hull (Rhodesia), J. Connacher (Mozambique), A. Robertson (Transvaal), and J. C. Kolbe (O.R.C.). This committee immediately took action by telegraphing to each Government as follows:—"This Union views with alarm outbreaks of East Coast Fever near Cape Border which seriously threaten that Colony. Union is of opinion that united action should be taken immediately to stamp out disease in this area and establish a clean zone between Natal and Cape, and that carrying out this scheme should be placed in hands of Veterinary Departments of States concerned."

Telegraphic replies were asked, and on the 11th September the committee had a meeting to discuss a wire from the Cape Minister of Agri-

culture notifying that he was arranging a Conference of Ministers of the various Colonies to sit at Capetown of Tuesday, 14th September, to discuss the question of united action. The committee wired to Mr. Malan that it was deeply anxious to see steps taken to safeguard clean areas from threatening danger, and was gratified to hear of the projected Conference of Ministers, and expressed the sincere hope that the steps urged in a previous telegram would be decided on immediately, seeing that to all intents and purposes South Africa was already unified, and one Colony's interests were the interests of the whole Union. In sending a copy of the telegram to Mr. Deane, the hope was expressed that a representative from Natal was being sent, or failing that, that there would be given full information which would help to bring the Conference to a conclusion on the lines suggested by the Union.

The Conference referred to above took place, and was attended by Mr. Moor, Premier of Natal, who was on his return journey from England. It was afterwards reported that the Conference had been abortive. Following upon this report the action proposed to be taken will be gathered from the following letter sent to the members of the Permanent East Coast Fever Committee:—

INTER-COLONIAL AGRICULTURAL UNION OF SOUTH AFRICA.

Durban, 18th September, 1910.

Dear Sir,—In view of the reported failure of the Conference on East Coast Fever at Capetown from which the special East Coast Fever Committee of the Inter-Colonial Union expected united and definite action, the President recommends that the following steps be taken to ensure the carrying out of the wishes of the Inter-Colonial Union. The President, while acting in his capacity of President of the Inter-Colonial Union, also acts as President of the Natal Agricultural Union, and in order that all concerned may understand what is being done, it is desirable to treat the subject from the Natal point of view and then from the South African point of view as initiated by the Inter-Colonial Union. The Natal point of view is essentially the same as that adopted by the Inter-Colonial Union, although the details are more elaborate in the case of Natal.

1. The Natal point of view and action to be taken. At the last Conference of the Natal Agricultural Union the following resolution was passed:—

- (a) There shall be uniform laws for the repression of this disease for Europeans and Natives alike.
- (b) No movement of any cattle for any purpose whatsoever should be made from the infected herds or areas.
- (c) All infected cattle and any cattle which have been in con-

tact with such cattle should be destroyed, and adequate compensation paid therefor.

- (d) There should be compulsory dipping or spraying to ensure the cleansing of all stock liable to be tick infested, at such times and intervals as may be necessary.
- (e) Negotiations should be opened with the adjoining States for the purpose of obtaining joint action at joint expense in carrying out the means to be employed for the eradication of Tick Fever.
- (f) The Government should put into operation the present Fencing Act (No. 6, 1907), and that all infected areas should be fenced immediately.
- (g) Compulsory branding of all cattle should be enforced.
- (h) In the event of the Government having no satisfactory announcement by 31st May next, to the effect that the other Colonies have agreed to stamp out infected and in-contact cattle jointly with this Colony on a satisfactory basis, the President shall be requested to call his Executive together to confer with the Government regarding their future plans, and, if it thinks necessary, he may call a meeting of the Union.

In an interview with the Minister of Agriculture after the Natal Conference promises were made to carry out a fencing policy, and this was regarded as a necessary step towards stamping out. The cost of stamping out was quoted as a complete bar to that method of dealing with the disease, but the Natal Executive hoped to gain further recognition of their aims once fencing was well on the way. With reference to assistance from other Colonies, the Minister led the Committee to believe that this had been refused. Since then there has been no progress in means for dealing with the disease except that a regulation has been made to prevent the passage over clean veld of cattle taken from infected veld to railway for slaughter. This is a questionable concession, and does not meet the demands of the resolution.

Therefore, taking in detail the heads of the resolution the position is:—

- (a) The Government deny that there is any differentiation, but the fact that the Government, as the Native Trust, has refused to fence location lands, while they require Europeans to fence under certain conditions is a very important differentiation.
- (b) Cattle are still freely moved from infected areas to rail, although not supposed to be moved over clean veld.
- (c) Nothing has been done to carry out this.

- (d) Nothing done.
- (e) Government state that other Colonies refuse to do anything.
- (f) Nothing done, although promise has been made to fence.
- (g) Government refuse to brand on account of fear of natives. They will not even allow native cattle to be counted.
- (h) In view of the failure of Government to do anything this proposal will be carried out subject to arrangements made hereafter.

2. The motion carried at the Inter-Colonial Union was as follows:—
That this Union is of opinion that the various Governments of South Africa should be approached with a view to securing united action for the eradication of East Coast Fever

The President believes that a course of action founded on the Natal resolution, modified to suit the needs of the different Colonies, would meet the requirements of the above resolution

The President, therefore, is arranging for a meeting with the Minister of Agriculture and other members of the Ministry at an early date, and he is going to put before them the demands of the Natal Union, backing them up with the Inter-Colonial Union. He is going to ask for:—The adoption of the policy outlined in the permanent Committee's telegrams to the Minister of Agriculture of the Cape Colony, and also to the Minister of Agriculture of Natal (with reference to the Alfred County outbreak), which is a stamping out and fencing policy, with the aid of the Cape Colony added, and the administration left in the hands of the Veterinary Departments concerned.

Should this not be granted then the course of action will be:—

1. To call a meeting of the Natal Union to re-affirm the April resolution and arrange for a parliamentary campaign to attain the ends desired by the Union;
2. To get the assistance of the neighbouring Governments through the members of the Permanent Committee;
3. To, as a last resort, lay the matter before the High Commissioner and invoke his aid.

In anticipation of this work Mr. E. W. Evans will be glad if you will lay the Natal April resolution before your Government and find out how far they are prepared to support it; but especially to find out what assistance had been offered to Natal, and how this has been treated.

I am sending for your information copies of the proceedings of the Permanent Committee, together with correspondence and replies to date.

I will be glad if you will take this matter, up strenuously, as only

by so doing is there any hope of this terrible disease being ended.—I am, yours faithfully,

DUNCAN M. EADIE,

Secretary, Inter-Colonial Agricultural Union.

The next step was to interview the Natal Government, and this was arranged for 28th September, the President assuming the duty of finding out the views of Ministers before deciding to call the Executive of Conference together. What happened at this interview is summarised in the following *precis*, which was afterwards circulated among members of Committee:—

Notes of Interview between the Prime Minister (Mr. Moor) and the Minister of Agriculture (Mr. Deane) and the President of the Inter-Colonial Agricultural Union and Natal Agricultural Union (Mr. E. W. Evans), who was accompanied by the Secretary of these Unions (Mr. Eadie), on Tuesday, 28th September, 1909, at the Colonial Office, Maritzburg.

The interview lasted about three hours, the central feature of the discussion being:—

1. The efforts made by the Natal Government to combat the disease.
2. The proposals of the Natal Agricultural Union to deal with the disease.
3. The Inter-Colonial Union's proposals for united action.
4. The action which has been taken in view of (a) the Natal Union's proposals, and (b) the Inter-Colonial Union's proposals.
5. The policy of the future.

The discussion of these points was not consecutive, but the expressions of views upon them are summarised in the above order for the purpose of obtaining clearness.

As to 1: The Minister of Agriculture, on the question being put to him, after long discussion, admitted in unqualified terms that the efforts of the Government to deal with the disease had ended in failure, and, from the farmer's side, the President of the Union admitted that the efforts of the farmers (the scheme of Advisory Boards being in particular view) had also failed.

As to 2: The resolutions of the April (1909) Conference with their related replies were read. While the Ministers appeared to have the opinion that these replies were of a satisfactory nature, the President held strongly that they did not meet the case in any detail, and these resolutions finally remained the basis of the demands made by the President on behalf of the Union.

As to 3: The Inter-Colonial Union action had had two main points,

first, the Union's resolution urging unified action, and second, action taken by East Coast Fever Committee urging stamping out, with the assistance of the Cape Government, in Alfred County. On these two points the chief discussion took place, and during the conversation the Prime Minister was understood to admit that dipping had failed to stop the disease, and the Minister of Agriculture gave assent to that admission. Other points arising under this head are dealt with below.

As to 4 (a): It was explained by the President that when the Natal Union Executive met the Ministers in June they had been told that a policy of fencing would be initiated and the Treasurer had agreed to place \$30,000 at the Minister of Agriculture's disposal for the purpose. The Minister of Agriculture now stated that the fencing was being carried out, and when asked whether fencing was being carried out on a comprehensive scheme to include the whole Colony, said it was impossible to do more than was being done at present. The other main points of the Union programme, *viz.* Compulsory dipping, branding and stamping out, became merged in the general question of action by all the Colonies, the Minister stating that the necessary funds for the carrying out of this comprehensive scheme could not be raised by Natal without the sanction of the other Colonies, and an agreed arrangement that the expenditure should become a charge on the Union Funds.

As to 4 (b): A long discussion took place on the action which followed the resolution of an Inter-Colonial Union and the further work done by the East Coast Fever Committee of that Union. It was gathered that the Conference held at Capetown as a result of these resolutions had been abortive, but after pressing for the necessity of a definite statement on the general question of the resulting position, the Prime Minister said: "Harding is being fenced with the greatest expedition possible, and, if it is necessary, I personally believe the Cape Government will take a share in stamping out in the infected area in Harding; but I positively decline to believe that the Cape Government will help us with regard to the rest of the Colony; while the Transvaal has emphatically refused to take up a general policy before Union." The President insisted that the Government officials at the Inter-Colonial Union meeting had unanimously agreed as to the serious situation which had arisen in South Africa through the spread of East Coast Fever in Natal, and had urged united action, and he further expressed the opinion that the Capetown Conference, composed of men who were unacquainted with the situation, was mostly valueless, and foredoomed to failure. As a consequence, he urged continued endeavour to bring about an understanding.

As to 5, finally: The Prime Minister undertook to get into communication with Mr. Botha as soon as he arrives in South Africa, with a view to the carrying out of the policy urged by the Unions.

In conclusion, the President desires to say that action has been taken

since the interview towards bringing about a conference between the Ministers of Agriculture of the various Colonies and their advisers. This cannot be held with any hope of success until Mr. Botha's arrival in Pretoria in about a fortnight's time but every effort is being made to bring this about.

You will be duly advised of the progress of events, and meanwhile no time is being lost.

NOTE.—Since the above was typed, it has been reported that a Conference has been arranged for Bloemfontein on the 29th inst. It is hoped the Presidents of the Unions will be asked to attend, and steps to have them invited have been taken.

As a result of the interview, and by the aid of the Colonial Presidents, a fresh Conference of Ministers was arranged for 29th September. At this Conference none of the Unions were represented. The result of that Conference is believed to have been entirely favourable to the views of the Union, as arrangements were made, it is understood, for financing a combined attack on East Coast Fever on the lines laid down by the Unions, thus removing the chief objection of the Natal Government to effective treatment of the disease. But for some reason, which can only be conjectured, the results of the Conference were not confirmed by the Governments concerned, and the position towards the end of last year was, in the opinion of your Executive, as bad as could be. However, steps had been taken to approach Parliament directly in order to have the demand of the Union acceded to, and Associations co-operated heartily with the Executive in obtaining information about the manner in which the existing East Coast Fever regulations were working. Your President was constantly in touch with the Government on the subject, and, in view of promises made and the expressions of members of Executive on the subject, it was decided to postpone calling the Conference together.

In Parliament the subject of East Coast Fever was keenly debated, and at the end a large sum was voted for fencing, dipping and preventive measures. In addition, provision was made for an Advisory Board, which was only recently appointed. It consists of the following gentlemen:—

A. H. Walker, M.L.A., E. W. Evans, G. Langley, J. Henwood, and Thos. Fleming. This Advisory Committee is appointed under Act 20, 1910, which provides for loans for dipping and fencing.

The President, who is Chairman of the Advisory Committee, has reported to the Executive that the Committee had made recommendations to the Government on the lines of the Conference resolutions. At the time of writing this report no information had been received about the answer of the Government to the Committee's recommendations.

DUNCAN M. EADIE, *Secretary.*

Royal Agricultural Show.

ANNUAL EXHIBITION.

ON Thursday, Friday, and Saturday, the 16th, 17th, and 18th June, the Royal Agricultural Society of Natal held their annual show in the Society's grounds in Maritzburg, amid perfect weather. The Show was opened by His Honour the Administrator, Mr. C. J. Smythe, and there were a fair number of people present at the opening ceremony. Judging began at 10 a.m. on the first day, and continued during the whole morning, the judges in some of the sections having a very difficult task owing to the keenness of the competition.

At 12 o'clock the opening ceremony took place. The President of the Society, Mr. Jas. King,* in calling upon the Administrator to open the Show, said that he was happy to be able to state that the Show opened under auspicious circumstances, though there was an absence of cattle sections. It seemed to him that the prospects of soon getting the cattle back to the Show were remote. Of course, the absence of cattle was a reflex on other exhibits. He remarked upon the feature of the Show as seen in the poultry section. Poultry was a most important feature of the Agricultural Show. He was happy to say that the poultry club was still with them, and working in conjunction with the Agricultural Society. He had to thank the Corporation of Maritzburg for the liberal support which that body had always given to the Show. And through the Mayor he had to thank the burgesses of the City for the way in which they helped the prize list. A new departure was the appointment of a ladies' committee of the Society, and he desired to express the gratitude of the Society to the ladies' committee for what they had done this year. (Hear, hear.) He mentioned that the entries totalled 2,454, an increase of 150 on the previous record in 1905. In that year the entries included some 400 cattle. Why certain firms did not show in the machinery yard this year he did not know. On behalf of the Society, he congratulated Mr. Smythe on his appointment to office of Administrator, and, while the general interests of South Africa would claim attention, he was quite sure that the interests of Natal would be near his heart because he was one of them. (Applause.)

THE ADMINISTRATOR'S SPEECH.

The Administrator, in replying, said that it was pleasant indeed to be able to congratulate them upon an undertaking which was a success,

*We are indebted to the *Natal Witness* for notes of Mr. King's and the Administrator's speech.—Ed.

and he thought he could safely say that the present Show of the Royal Agricultural Society of Natal was a thorough success. Success could only be brought about by the executive and secretaries, and there was no doubt that a great deal of hard work had been entailed on these gentlemen in connection with the Show.

There was one point on which the Society was to be congratulated, and that was that owing to improvement in the finances of the Colony the Government were able before going out of office to relieve the Society of the debt, which in the past had been a heavy burden upon them. (Hear, hear.) He understood that the Government had relieved them almost to the extent of the whole of their debt, and he hoped that the remainder of the debt would soon be paid off, so that the Society would continue to carry out the work it had undertaken. It was good that the ladies should take a special part in connection with their Shows. He understood that the Society was indebted to the wives of the burgesses of Maritzburg. The burgesses had an interest in these Shows. He regretted that the exhibits in the machinery classes were not so good as in the past owing to the reluctance of certain firms to show. He thought that it was a great mistake on their part. One of the most interesting features of the Show was the exhibition of machinery. He regretted extremely that those firms had thought fit not to show. The Society was to be congratulated on the large number of entries. He regretted that he saw no success in dealing with East Coast Fever, except by obstinate and thorough cleansing of cattle in the dips. (Applause.)

The Administrator concluded by formally declaring the Show open.

Cheers were given for the Administrator, the late Government, the Mayor, and the President of the Society.

The absence of cattle, of course, detracted somewhat from the value of the Show, as it has done in previous years, but, leaving out this section, the Show may be described as a success. So far as entries were concerned the Show was certainly in advance of last year's, the number of entries this year being 2,454, as compared with 2,184 last year. At the same time, however, we do not think that the Show, taking it as a whole, was quite up to the mark of last year's. Except in the kennel section, the standard of quality of exhibits set by last year's Show was fairly well maintained this year, but there was perhaps less variety, regarding the Show as a whole. In some sections the competition was very good indeed—a feature which always speaks well for a show.

The machinery section is generally one of the great features of an agricultural show, especially of shows of the size and importance of the "Royal." This year for some reason or other several leading firms stood out, and the consequence was that the machinery section, although it was up to the standard of previous years as regards quality, was never-

theless less in respect to the number of entries. A great deal of attention was paid to this sections by visitors, and a large number of useful and up to date implements and machinery were to be seen. The industrial exhibition attracted as usual large crowds of people, the hall being thronged during the whole term of the Show after the official opening. There was a particularly good show of fruit in the Industrial Hall, variety being almost as noticeable a feature as excellence. The ham and bacon products also calls for special mention, being of exceptional excellence and variety. The Natal Mill and Elevator Company had a good show of their cereal products; and the various foods such as brawn, bread, cakes and confectionery generally, aerated waters, wine, vinegar, etc., were well displayed and generally of high quality. The Natal Bee-Keepers' Association occupied with their exhibits a corner of the hall, and a high standard of excellence of the products of the number of entries of this section afforded striking testimony to the progress which bee-keeping is making in Natal. Perhaps the best section of the whole Show was the poultry section. We do not remember to have seen at the "Royal" Society's Show such an exhibition of poultry of such all round excellence. The competition in this section was very keen indeed, and the judges had a difficult time making their decisions. In the horse section most of the classes were fairly represented, and, as usual, some good animals were shown. The sheep section was in our opinion an improvement on last year's, and the number of exhibits were large. Goats also were an improvement. Pigs compared favourably with last year's, but we should like to see more attention paid to this section. The kennel section, as we have stated, was not as good as in previous years, but this was due to the fact that the Kennel Club was holding its show at the same time elsewhere in the town. The farm products section was well patronised as usual; and the exhibits in this section had this year every opportunity for a thorough display on account of the change which the Society has been well advised to make in regard to the housing of the exhibits. The outside stalls did not appear to be as large in number as they have been in previous years.

JUDGES AND STEWARDS.

The following were the judges and stewards:—

Thoroughbred Horses.—Judge, T. T. Murray; stewards, J. Blackburrow and B. Baikie.

Cart Horses.—Judge, D. C. Dick; steward, W. L. Stead.

Thoroughbred Horses.—Judge, E. T. Murray; stewards, J. Black and A. C. Sedgwick.

Saddle Horses.—Judge, S. T. Amos; stewards, C. M. Scott and G. F. Sedgwick.

Mules and Donkeys.—Judge, J. F. Palframan; steward, W. Westwood.

Merino Sheep.—Judge, C. J. King; steward, A. Dickens.

Shropshire Sheep.—Judge, H. Stedman; steward, J. C. Walker.

Longwool, Persian, and Cross-bred Sheep.—Judge, H. Stedman; steward, H. C. Edmonds.

Fat Sheep.—Judge, F. Knapp; stewards, W. Lang and W. F. Knapp.

Goats.—Judge, H. D. Witner; steward, Reg. Campbell.

Pigs.—Judge, J. Marwick; steward, F. Ellenor.

Produce, Kafir Corn, Wheat and Mealies.—Judge, C. E. Thrash; stewards, P. A. Robinson and J. Baker.

Grains, other than above, also Fodder, Ensilage, and Winter Food.—Judge, T. M. Mackenzie; steward, C. J. Arnold.

Wattle Bark.—Judge, Rev. Jas. Scott.

Roots and Vegetables.—Judge, H. Baker; stewards, S. Moon and F. Robinson.

Fruits.—Judge, T. R. Sim; steward, P. Merrick.

Butter.—Judge, E. E. Holman; steward, Collin Campbell.

Cheese, Bacon, Oil Cake, Soap, and Candles.—Judge, W. Merrick; steward, N. Y. Griffin.

Bread.—Judge, Mrs. Theo. Woods; steward, A. Herbert.

Cakes and Pastry.—Judge, Mrs. P. Davis; steward, C. W. Holdgate.

Children's Corner.—Judge, Mrs. Jno. Baynes; steward, Bert Herbert.

Preserves and Aerated Waters.—Judge, F. Reed; steward, H. W. Griffin.

Coffee, Tea, Sugar, Tradesmen's Stalls.—Judge, W. H. Griffin; steward, J. Reid, jun.

Engines, Wind Mills.—Judge, Arthur Wood; steward, A. McDonald.

Millers' Manufactures.—Judges, Thos. Hyslop, Rev. Jas. Scott, E. W. Evans.

Axe Handles, Fretwork, Wood Carving.—Judge, D. Bailie; steward, J. Reid, jun.

Furniture, Tins, Boxes, Gates.—Judge, J. Hardy; steward, R. H. Pepworth.

Handcarts, Wagons, and Trolleys.—Judge, D. C. Dick; steward, A. C. Bell.

Carriages.—Judge, E. Tooth; steward, F. Collier.

Bees.—Miss A. E. Pullinger and Mr. R. H. Pepworth; steward, H. G. Whelan.

Dogs.—Judge, H. H. J. Iken; stewards, A. van Aardt and W. G. Stacey.

Sports, Jumping, Riding, Trotting, and Driving.—Judge, S. T. Amos.

Musical Stalls, Polo Ball Race, Donkey Polo Match in Costume, Ribbon Race, Tent Pegging, Happy Husbands' Race, Wrestling on Horseback, Costume Race.—Judge, Col. Sir D. McKenzie; steward, Capt. Clerk.

Sports Stewards.—D. C. Dick, H. Solomon, and R. F. Smithers.

Crochet Competition.—Judges, Lady Murray and Mrs. Hosking; steward, Miss May Campbell.

Industries.—Judges, Rev. Jas. Scott, E. W. Evans, Thos. Hyslop.

Chief Stewards.—Horses, A. E. Todd; produce, P. H. Campbell; hall, A. Robinson.

Sports Committee.—D. C. Dick, H. Solomon, Commissioner Clark, Capt. E. G. Clerk, Major T. M. Owen, Dr. G. Oddin Taylor, Inspector O. Dimmick, Sergt. F. W. Stephens, Sertg.-Major Brace, R. F. Smithers, and H. W. Griffin.

Poultry Section.

The following were the officials for the Natal Poultry Club's Show, which was held in conjunction with the "Royal's":—

Mr. Dixon.—Brahamas, Cochins, Langshans, Hamburgs, Orpingtons, Rocks, Bantams, all game other than Indian. Steward, Mr. Martyr.

Mr. W. Chapman.—Minorcas, Leghorns, all varieties, and Andalusians. Steward, Mr. D. Wilkie.

Mr. C. Baylis.—Wyandottes. Steward, Mr. E. Baylis.

Mr. J. E. Servant.—Indian game, A.O.V. Chickens, and Cross Bred. Steward, Mr. Fairall.

Mr. D. M. Dixon.—Waterfowl and Turkeys.

Mr. G. H. D. Neaves.—Cats and selling classes in poultry section. Steward, Mr. W. Sandeman.

Combined Judges' Breeding Pens.—Mr. W. Sandeman.—Rabbits and Hares. Steward, Mr. G. H. D. Neaves.

Mr. J. C. Cope.—Trussed Poultry and Eggs. Steward, Mr. B. A. Ireland.

Mr. W. P. Gough.—Jacobins, Tumblers, Pouters, Frills, Magpies, Show Homers, Dragoons and Selling. Steward, Mr. Hopkins.

Mr. J. Munro Miller.—Fantails.

Mr. F. A. Smart.—Homers. Steward, Mr. W. A. Withycombe.

Mr. R. Fuller.—Cage Birds, all varieties other than Norwich and Yorkshire Canaries. Steward, Mr. A. Prior.

Mr. H. Clarkson.—Norwich and Yorkshire Canaries. Steward, Mr. D. W. Withycombe.

East Coast Fever.

AMENDED REPORT OF ADVISORY COMMISSION.

THE following is the amended report of the East Coast Fever Advisory Commission appointed under Act No. 20, 1910. A notice published in the *Natal Provincial Gazette* states that the late Natal Ministers were in accord with the recommendations of the Commission. The report is dated 27th May:—

The Commission sat on the 3rd, 4th, and 11th of March, and 27th May, 1910, and after discussion with the Minister of Agriculture (Mr. Deane), and on the last date with the Acting Minister of Agriculture (Colonel Greene), the Chief, Veterinary Division, and the Secretary for Native Affairs, came to the conclusions embodied hereunder.

It was felt that under the circumstances of the Parliamentary vote of £100,000 and the imminence of Union that the most important step to be taken would be to check the spread of East Coast Fever to new districts.

It was, accordingly, resolved, and the resolution forwarded to the Minister of Agriculture:—

“That the Government be strongly urged to at once concentrate all efforts towards fencing with all speed all known outbreaks of East Coast Fever, then branding all cattle therein. Subsequently, owners shall have the option to hand their cattle over to Government for slaughter, receiving compensation at schedule rates, otherwise, for the protection of surrounding clean areas, such restrictions as the authorities think necessary shall be imposed.”

The Commission recommends that all unfenced railway lines in the Colony should be fenced.

It is felt that if the above recommendations are adopted by the Government and actively carried out, further spread of the disease can be checked, and the task of eradication under Union much shortened and simplified.

The Commission cordially approves of Act No. 20 of 1910, with the exception of Clause 4, regarding which an alternative suggestion is hereinafter made, and he believes that the assistance thus rendered to farmers will be of the greatest service.

If, however, there is to be any hope of really controlling East Coast Fever, it is absolutely necessary to prevent the illicit movement of cattle.

This movement is chiefly carried out by Natives, and is the main cause of the spread of the disease.

Accordingly the following resolution was passed and forwarded to the Minister of Agriculture with the one already mentioned:—

“Resolved that the amount of £10,000 voted to the Natal Native Trust for East Coast Fever purposes be used exclusively and immediately on fencing and sub-dividing Native Locations. Should this not be conceded, the Commission hopes that no other steps will be taken pending the presentation of its report.”

The Commission deprecates the expenditure of any funds on other methods, until such fences are completed, when the other recommendations (branding and cleansing), hereinafter made, should, in the opinion of the Commission, be made compulsory and universal.

The extent of the sub-division of Locations referred to in the resolution would, of course, depend on the area, population, contour, water supply, etc.

It is further recommended that all fences around isolated outbreaks should be guarded or patrolled until such can be effectively dealt with, and, in addition, that the Natal Police or other body should be called out to thoroughly guard all unfenced outbreaks until such time as the fencing-in thereof can be effected.

The Commission is of opinion, in the event of the recommendations in regard to fencing being carried out, that, together with the assistance to be rendered to farmers under Act No. 20 of 1910, as much as possible will have been done in the direction of combating the disease by means of fencing.

The Commission, feeling strongly that illicit movement is the greatest source of danger, and must be stopped at any cost, urges the Government to initiate legislation for the compulsory branding of all cattle in the Colony, on the lines laid down in the Transvaal Branding Law of 1904.

This law, if backed up by severe penalties for contravention and illicit movement of stock, would certainly check the spread of the disease, besides being of great service in preventing stock thefts.

It may be urged that the Natives will object to branding, but experience proves that illicit movement cannot be stopped in any other way, and the exigencies of the case demand its prevention.

The Secretary for Native Affairs, in giving evidence before the Commission, said that he realised the necessity for branding, and that, though the Natives would look upon it with suspicion, he did not anticipate any serious difficulty, provided the matter was left to him to explain to them.

The cleansing (by dipping, spraying or hand-dressing) of cattle is finding greater favour daily, but it is still untried by a considerable

portion of the white farmers and by almost all Natives in the Colony.

Its importance is so obvious, and the drawbacks so few, that the Commission is of opinion that its adoption should be made compulsory.

This will be no hardship when it is considered that a dip can be erected for £50 or a spray pump purchased for 20s.

The regulations contained in the *Gazette*, and adopted on the 12th of May, 1903, by the Richmond Infected Area Advisory Board should be withdrawn, and the Commission recommends that regulations embodying the following suggestion should be applied to the whole Colony:—

1. It is required that all cattle in the Colony be kept reasonably free from ticks;
2. Stock Inspectors shall be required to inspect all herds in their districts as is done under the Scab Act, further assistance being rendered, where necessary, by other Government officials, duly authorised, such herds to be visited as often as the Department deems necessary;
3. In the event of any herd being declared by the Inspector to be tick-infested, the owner or person in charge of such herd shall be granted a license for thirty days, during which no cattle shall be removed;
4. At the expiration of this time, the Inspector shall again visit the herd, and if the cattle should be still infested, a penalty of £1 shall be imposed and the license renewed for thirty days, succeeding breaches of the regulations at similar periods being subject to an increasing penalty of £1 for each license;
5. Penalty for obstruction—see Clauses 2 and 16 of the Scab Act;
6. It shall be the duty of Inspectors to instruct Natives in Locations and on farms unoccupied by Europeans in the use of cleansing agents.

These suggested regulations provide the alternative to Clause 4, referred to on page 2 of this report.

In this regard, the Commission is of opinion that, in the interim until the above regulations are adopted, Stock Inspectors and other officials appointed should be instructed to refuse permits to remove cattle for any purpose whatever, unless they are satisfied that the whole of the applicant's cattle are reasonably free from ticks.

If the above recommendations pertaining to fencing, branding and dipping or cleansing are carried out, and all persons, including Natives, treated alike, the Commission believes that it is not too late to control the disease.

There remain some comparatively minor matters to refer to:—

MOVEMENT OF SLAUGHTER CATTLE FROM INFECTED VELD.

The Commission advises that movement of cattle from infected veld should be allowed over infected areas only, and in no case over veld which is clean or in process of cleansing.

DESTRUCTION OF STRAY CATTLE AND CATTLE ILLICITLY MOVED.

The Commission is of opinion that action in this regard be left to the discretion of the Department, it being believed that black and white will be treated alike.

It is recommended, however, that where it is found necessary to give Natives short notice to sell any of their cattle which may have strayed from clean farms, the Government should take them over at schedule rates, to save owners being victimised by unscrupulous buyers, as has happened in the past.

SUB-DIVISION OF FARMS BY THE MAIN LINE OF RAILWAY.

The policy of considering the main line of railway as a boundary across which cattle are not allowed to pass should, in the opinion of the Commission, under no circumstances be departed from, and should be extended to all branch lines when fenced, as recommended on page 2.

ONE DIPPING TANK FOR TWO FARMS.

The Commission is of opinion that this should be allowed where fencing is so erected as to preclude any chance of cattle mixing.

PROVISION OF TRUCKS.

The Commission considers that kraals should be erected by the Railway Department at all stations where cattle are trucked, as delay and danger often occur owing to trucks not being available.

MOVEMENT OF MEAT.

Great risk of spread of East Coast Fever is caused by the practice of Natives removing meat from animals which have died from East Coast Fever, to which portions of hide adhere.

The punishment meted out to offenders brought before Magistrates appearing to be inadequate to check the offence, it is suggested that the Attorney-General be asked to bring the seriousness of this offence to the notice of Magistrates.

MOVEMENT OF "SALTED" CATTLE.

Owing to the difficulty of ascertaining the immunity of such stock and the consequent danger of re-infection, the Commission cannot advise that this should be allowed at present south of the Buffalo River and the Tugela, from the junction of the Buffalo River to the sea.

CALVES FROM IMMUNE PARENTS.

A considerable number of farms are now clear of the disease, with a

perhaps a few head of cattle remaining. As calves born from this immense stock will be susceptible to the disease, and so re-infect the veld, some method of dealing with the problem should be adopted, otherwise there will be danger of East Coast Fever becoming endemic, as is the case in German East Africa.

The whole question is a most difficult one, especially in the case of Natives, and yet is one which must be fully and firmly dealt with.

Your Commission is not yet, however, prepared with a recommendation, but will consider the matter further at an early meeting.

The Government is advised to consider the question of purchasing and removing a quantity of breeding cattle to comparatively safe areas, such as the Game Reserve, with a view to re-stocking depleted portions of the Colony, when this can be done with safety.

(Sd.) EDWARD W. EVANS,

Chairman.

A sure remedy for ewes refusing to suckle their own lambs, or other lambs, for that matter, writes a Canadian correspondent of an English paper, is to place them in a stanchion made of two eight or ten inch boards, so placed that the ewe's head is held, and that she cannot turn to smell the lambs. In three days a ewe will be kind to the lamb or lambs. It seems, as the lamb feasts on her milk for these few days, the smell becomes satisfactory to the mother.

WHAT IRRIGATION DOES.

It reclaims arid wastes.

It makes a prosperous country.

It causes the desert to blossom.

It ensures full crops each season.

It makes poultry-raising inexpensive and particularly profitable.

It multiplies the productive capacity of the soil.

It destroys insects and worms and produces perfect fruits.

It creates wealth from water, sunshine, and soil.

It makes the farmer independent of rainfalls.

It yields surprisingly large returns to investigators.

It makes possible the production of choicest fruits.

It gives arid lands great advantage over rainfall areas.

It will increase threefold the value of lands having rainfall.—

Poultry and Farm.

Division of Entomology and Horticulture.

SEVENTH REPORT.

REVIEW OF THE YEAR 1909-10.

THE first six months of the year under review were fully occupied in connection with the Departmental export of citrus fruits. The final shipment of the 1909 season was made on 26th August, and it was not until the end of the year that all accounts and other matters pertaining thereto were finally adjusted.

During the past five months an effort has been made to recover some of the ground lost owing to the years 1908 and 1909 being almost wholly devoted to matters relating to fruit export, and some enquiry has been made into the present status of the insect pests and other troubles of wattles.

Experimental citrus export upon an extensive scale has now been undertaken over three seasons, 1907, 1908, and 1909. Throughout, the Government has been the moving spirit, supplying the funds to enable the first and conducting the second and third. Financially the first and third seasons' shipments can only be described as bitterly disappointing; the second series of shipments were of moderate dimensions, local conditions were favourable and the market was receptive, hence it was successful. So much has already been written and said upon the matter that it is not intended to overburden this report with any further discussions, but rather to place on record those conclusions which I have arrived at regarding this important subject.

I would premise by saying that the actual loss to fruit-growers has been largely magnified and frequently enlarged upon for specious reasons. Those fruit-growers who have lost have not lost more than the actual fruit, and when one comes to consider the losses of pioneers in fruit export in other countries, growers here have rather to congratulate themselves than otherwise.

Where considerable loss has taken place it has occurred through ill-advised and often rash speculation, and to this feature much of the loss to growers can also be attributed.

The experiment has been a costly one to the Government, but when the results are dispassionately reviewed it will be found that they are such as to justify the experiment and its cost.

It has to be borne in mind that citrus growing in Natal had become quite extensive, with a minimum of trouble, of culture and expense, the

industry paid and one after another was encouraged to embark upon it. But as time went on not only did other supplies destroy the almost complete enjoyment of the monopoly of a good market, but that market also became depressed. Indeed, it may be said with some justification that citrus culture upon the coast at any rate had reached a crisis. Thus it became imperative to seek some other outlet for the crop. There was every reason to believe that our naartjes would prove acceptable upon the European markets, and it was decided to test them upon a fairly large scale.

As the upshot of three extensive trials, it can be at least said that to-day we know fairly exactly where we are in regard to citrus culture and citrus export, and are in possession of facts which might otherwise have taken many years to establish, and then, perchance, not altogether satisfactorily. If in no other direction, this Division has at least established a record as regards packing, and with its demonstrations and the standard set up, the Natal citrus grower has no excuse for putting badly packed fruit upon any market.

The results of the experiments may be generalised as follows:—

I.—NAARTJE EXPORT.

The hopes so long entertained of building up a large export of naartjes give no promise of speedy realisation, and it is questionable whether at any time the trade in this fruit will reach anything like the dimensions of fruit export lines of other countries.

It can be said with much justification that, for some time to come, the prospects of export do not warrant any extension of the area under this fruit. In fact, with proper management, the existing naartje orchards will meet export requirements and local consumption for some years to come.

So far as really profitable prices for fancy and selected naartjes are concerned, the London market is limited to what can only be regarded from the export point of view as a very small affair. The unfortunate feature, from a local point of view, is that the summer fruit season in London coincides with the time of arrival there of the bulk of our crop. The heavy expenses involved in placing the naartje satisfactorily upon a so distant market, expenses which are not likely to diminish for some time, require that the fruit fetches fancy prices to make shipment worth the while.

What can be said with assurance is that shipments of one to three thousand trays per week, timed to arrive before and up to the advent of strawberries and cherries, will prove very profitable. Subsequently, when naartjes are most abundant and cheapest here, shippers must be very circumspect in sending any quantity forward lest the fall in prices, bound to come about, swallows up in expenses even their earlier profits.

II.—COAST ORANGES.

The export of coast-grown oranges is proved too hazardous. This fruit is exceptionally delicate and will not stand the strain laid upon it. Taken as a whole, coast oranges, whilst of exceptional flavour, are, further more, not up to export standard. Our experience in this connection is by no means exceptional, and in other countries where citrus are grown under similar climatic conditions the same weakness has been observed. By attention and manuring both size and colour can be improved, and it is equally probable that their carrying qualities may be enhanced.

III.—LEMONS.

The oversea export of lemons was sufficiently demonstrated unprofitable. However, in the culture of lemons for South African markets there is room for extension, but in this pursuit up-to-date methods in handling and curing are absolutely essential. Common rough lemons should be generally abandoned, and have no place in any commercial orchard.

IV.—MIDLANDS ORANGES.

The export of up-country oranges, speaking more particularly of those grown in the Richmond, Maritzburg and Greytown belt and further inland, has been attended with very satisfactory success, and orange culture in these regions will stand extension for export purposes, particularly as regards Navel oranges.

These oranges even under the many disadvantages of last season carried with promising success, and the prices obtained justify the continuance of their export.

CENTRAL PACKING HOUSE.

The chief feature of the Departmental export was the establishment of a central packing house in Durban, where citrus fruit from all parts of the country was sized, graded and packed. The establishment of this institution as a temporary measure was fully justified by the circumstances of 1908, but the packing of fruit for export in one centre was never seriously entertained, nor was its continuance through a second season deemed advisable. However, the experience gained in 1908, when every circumstance tended to make this experiment a success, seemed to show that this method was to some extent feasible, but under the strain and conditions of the 1909 export it broke down altogether.

It may safely be stated that such an institution could never be made self-supporting under existing conditions—conditions which are not likely to change—and further that the system, entailing as it does so many handlings of the fruit, is one that has very properly been abandoned. Central packing houses upon a co-operative basis in the midst of districts devoted to orange culture may become desirable in time, but anything of the sort for naartjes cannot be recommended.

CITRUS ROT FUNGI.

In connection with citrus export and bulking very largely as drawbacks to its success are the fungi generally known as "Blue Moulds."

Until recently it has been generally believed that the decay in transit of citrus fruits was due to the action of a fungus known as the Blue Mould of citrus fruits (*Penicillium digitatum*). The recent mycological investigations of Mr. Pole Evans have, however, thrown much light upon the matter by the discovery of a further form of decay which he has described as *Diplodia natalensis* or Black Rot. In our 1908 export we were certainly not troubled by this disease, and as a consequence the extraordinary amount of wastage occurring in the 1909 shipments were inexplicable, upon the assumption that *P. digitatum* was the destroying agent.

Although both of these moulds are dependent upon some surface injury to the rind to gain access to the fruit, the latter fungus may not show superficially until 10 to 15 days after the fruit has been affected. Further, fruit is subject to natural infection after it has been plucked even so long as ten days.

It was not until the packing season was well advanced that it was clear to me that either some further organism was to blame for the wastage reported or else the common mould had developed an abnormal character.

Those who visited the packing house during the latter part of the season are aware of the extraordinary precautions that were taken to eliminate the mischief by inspecting all fruit three or four days after packing and re-packing before lidding. By this system the wastage in transit was reduced immediately and almost eliminated.

During Mr. Evans' visit to Natal I gave it as my opinion that, in the case of naartjes, I felt convinced that the fungus often gained an entrance through the cut surface of the stalk. In the case of *P. digitatum*, it is safely assumed that this fungus only gains its entrance through rind abrasions, and practical experience bears this out. Whether or not it can be demonstrated that the *Diplodia* can only gain its entrance through a rind abrasion, the fact remains that in the majority of cases throughout my experience every appearance indicated that the fungus had entered through the cut stalk.

In any case, however, this Black Rot is of a far more dangerous nature than Blue Mould, and calls for very particular attention.

From the information I have been able to collect, the trouble is of long standing, but its attack and prevalence is subject to seasonable influence. There is every reason to believe that the late rains of 1909 had considerable bearing upon its ascendancy. It is generally conceded that these late rains do affect the keeping qualities—or rather the carrying

qualities—of naartjes, making them more tender, but apart from this they also distribute the spores of the fungus more generally, spattering them up from the soil with dirt into the trees.

That Black Rot is more prevalent in some orchards than in others there is little doubt, and, so far as I can ascertain, it is practically confined to the coast.

If for no other reason the prevalence of this disease calls for the abandonment of centralised packing upon the coast.

PINEAPPLE EXPORT.

Apart from the first series of experiments early in 1909, which has already been fully reported upon, a second series of shipments was made with a view to clearing up some of the points at issue.

The following particulars refer to a series of three shipments of pineapples packed and sent forward by me to London. These shipments were by the R.M.S. "Carisbrook Castle," 18th February, R.S.M. "Armada Castle," 24th February, and the R.M.S. "Norman," 4th March; the fruit was sold upon the 13th, the 20th to 22nd and the 27th to 29th March, respectively, the sales being effected through Mr. T. J. Poupart, of Covent Garden, and Messrs. Mitchell, Cotts & Co.

The terms of shipment were the same as those extended in December last, the Government paying for freight, boxwood and packing and handing the London proceeds over to the growers who supplied fruit. The experiments met with scarcely any sympathy or support from the growers.

BOXES AND PACKING.

It will be remembered that in the first experimental shipment a scratch box was used which held a dozen one-and-a-half-pound pines, packed in two tiers or layers. This double-layer packing was so condemned over the cables that I supplied myself with single-layer cases for these shipments, manufactured locally, some being of imported white wood sawn in Durban and the others of wattle wood and made up by the Harden Heights Wattle Company. In view of the full analysis I was able to make of the results of the first shipment, it is now a pity that in these later shipments a further trial of 2-layer parcels in cool chamber was not made; if, for no other reason than to confirm the result arrived at that pines in two-layer parcels carried satisfactorily in the cool chamber.

For the small pines I used a box measuring 22 x 25 x 5 inches over all, and for the large Cayenne pines a partitioned box measuring 40 x 20 x 7 inches over all.

Made up the small white wood boxes cost 1s. 4½d. each and the wattle wood 10½d. each, delivered at the Point. The large white wood cost 1s. 10d. each and the large wattle wood 1s. 4d. each delivered. The

wattle wood boxes I found to be quite equal to the white wood for pines, but let me say at once that unless the wattle wood boxes can be made and delivered at half the price they were, growers will have to fall back upon imported boxwood for exporting pineapples, for the simple reason that box boards of the best quality with printed ends can be landed in Durban duty paid at 4 3-10d. per set in the smaller size, and, of course, can be carried some distance by rail and put together at under 6d. each. I have not a quotation for the large boxes, but, upon figures before me, I am justified in putting imported boxes in at 9d. each.

The pines were wrapped in what is known as butter-paper, or in common paper bags, and fine, best quality wood-wool was used as packing. I have already indicated that shredded mealie husks make an excellent packing for pines, and as wood-wool costs up to £12 imported direct and £20 per ton purchased from local agents, it will be seen that a vast saving can be effected by using what is at present a waste product in Natal. Further than this, mealie husks are used for the Azores pines and the fine wood-wool has proved injurious right through our experiments. Moreover, I gather from a report before me that in a series of shipping experiments conducted in Hawaii the shredded mealie husk has proved the better packing. It will be noted from the Commercial Agent's reports that wrapping the fruit is considered to be unnecessary, but he advises wrapping the crowns. As a packer of pines I would prefer to always wrap them.

THE "CARISBROOK" SHIPMENT.

The "Carisbrook" shipment comprised 20 boxes of small pines (18 of 12 fruits and 2 of 14 fruits), 18 large boxes of Cayennes (1 of 6, 8 of 8, 2 of 10, 5 of 12, 1 of 14, and 1 of 16 fruits), also 1 large box containing 6 small Cayennes and 7 Queens), all in cool chamber.

It is necessary to point out here that this shipment was made before Mr. Harrison's report upon the preliminary shipment had come to hand, and, whilst I had already determined upon not shipping any green pines by cool chamber, some pines about three-parts coloured were shipped. Having the opportunity in the meanwhile of analysing the above-mentioned report, in the two latter shipments no off-colour pines were included.

There are two other features of the shipment which have to be dealt with in order that the result may be clear. One gentleman who, I understand, has been shipping large Cayennes with a fair amount of regularity to London, asked me to send some of his fruit in the same condition as he himself was shipping, with a view to ascertaining whether better prices would be realised upon Covent Garden market than he was realising by placing the pines elsewhere.

Another gentleman was anxious for me to thoroughly test a preserva-

tive dressing, and in three shipments sent forward there were a number of pines sent which he treated himself.

It is, therefore, necessary for me to present an analysis of this report under several sub-headings.

COMPARATIVE TRIAL.

Fifty-eight Cayennes: 3 boxes of 8, 2 of 12, 1 of 10 fruits each. These fruits when sent to me were for the most part far more backward in colour than any others packed, and with a view to saving freight they were packed much more tightly than is the practice of the shipper upon whose behalf the comparative test was made. Of these fruits 5 arrived too green, 6 green, 16 greenish, 3 fairly ripe, 14 ripe, 3 fully ripe; 6 bruised, 2 specked. It is, therefore, seen that the pines arrived practically as packed, ripening up somewhat before coming under the influence of the cool temperature. Half the bruising occurred in one of the 8 packs, and I do not think it was due to too tight packing. In one case of 12 pines, which was tightly packed, the 3 pines suffered, and the crowns bent in packing would not straighten afterwards. Ten of these pines were "greenish," and that the crowns would not straighten is very probably due to this fact. With regard to the tighter packing, I may say that I was able to effect a saving of 50 per cent. in freight thereby.

The following table shows the state when packed and condition on arrival of the fruit.

| Mark. | No. of fruits | Condition on arrival. | By Sales. a/c. |
|-------|---------------|--|----------------|
| | | | s. d. |
| D 1. | 8 | 2 ripe, 6 greenish | 8 0 |
| D 2. | 8 | 5 too green, 3 fairly ripe | 8 0 |
| D 3. | 8 | 3 bruised 2 green, rest ripe | 8 0 |
| D 4. | 10 | 7 sound, 2 specked, 1 green .. | 12 6 |
| D 5. | 12 | 10 greenish, 2 ripe | 9 0 |
| D 6. | 12 | 2 over-ripe, 3 green, 3 ripe, 4 bleeding | 9 0 |

Commenting upon these pines the Commercial Agent says: "Pines will not sell upon this market in a green state."

PRESERVATIVE TEST.

In this shipment I overlooked informing the Commercial Agent that certain pines had been submitted to a preservative treatment, so that his report thereupon is quite impartial.

The treated pines were Cayennes, 1 case of 16 and 1 of 14 pines; these were ripe and well-coloured when shipped. They realised 6s. and 7s. per case respectively, or 4½d. and 6d. each. The following comments are made by the Commercial Agent:—

"Sixteen case, pines fully ripe and reddish colour. Nearly all specked and some mouldy; one or two showing green patches. Some of

the crowns double the size of pine; rather too big. Somewhat too ripe on being packed. Fourteen case, majority with mildew on outside, only 6 first-class fruits." It will be found from the reports upon the later tests with this preservative that treated pines always became mildewed upon the outside, and invariably arrived in a worse condition than the untreated pines.

SMALL CAYENNES.

Three cases of small Cayennes weighing just about 2 lb. each and fully ripe when packed were well received, realising 8s. per dozen, despite the fact that four were rotten, and nine "specked." From the Commercial Agent's comments, I gather that this is an acceptable fruit, and there is no doubt they were shipped too ripe. The price realised should be quite profitable, as Cayennes of this grade cost no more to forward than "Queens."

CAYENNES THREE-PARTS COLOURED.

This lot of pines were on the whole only three-parts coloured; some, however, were fully ripe. They were not sent forward to me very carefully packed, and some so crushed that I had to reject them altogether. In all they numbered 38, 6 being 5 to 5½ lbs. and 32, 4 to 4½ lbs. in weight. Four of the 5 lb. pines realised 1s. 6d. each and 2, 1s. each. Of the 4 lb. lot 8 fetched 1s. 3d. each, and the balance 1s. each.

WINKEL SPRUIT EXPERIMENT FARM CAYENNES.

No instructions regarding picking and packing were issued to the Manager of the Experimental Farm, and throughout the experiments these Government pines have been treated by me as from an ordinary grower. The pines were received in a fairly well-coloured condition, which had been acquired upon the plants. Report:—

No. 1 case. 8, 4 to 4½ lbs. pines: "Arrived; 6 good, 1 bruised, 1 fully ripe. Had a warm, even colour which makes a fine fruit, realised 1s. 4d. each.

No. 2 case. 10, 3½ lbs. pines: "Although a little green, a very good case. No fruits bruised, realised 1s. 6d. each."

No. 3 case. 6, 2 to 2¼ lbs. pines: "Very fine, even coloured, sound, realised 7s. per dozen."

One other lot of 4 to 4½ lbs. pines which arrived in good order realised 1s. 6d. each, but the majority of the pines only fetched 1s.

Altogether 147 Cayennes were forwarded for sale, including those already commented upon under "Special features," but only 100 were in a fit condition for sale, and these fetched 1s. to 1s. 6d. each, according to size and condition. Upon condition alone the Winkel Spruit pines realised 1s. 4d. against 1s. for pines of equal size but less carefully handled.

SMALL NATALS.

The prices realised for small NATALS proved more satisfactory upon the whole. As will be seen upon reference to mark x in the subjoined table, the Experimental Farm pines again scored.

| Mark. | No. of Fruits. | Weight. | Condition when Packed. | Commercial Agent's Report. | Prices. |
|-------------------|----------------|------------------|---|---|--------------|
| X ₁ | 12 | 1 $\frac{3}{4}$ | Sound and bright NOTE.—Pines at 1 $\frac{3}{4}$ are over that, but under 2lbs. Pines at 1 $\frac{1}{2}$ nearly 1 $\frac{3}{4}$. Pines at 1 $\frac{1}{4}$ nearly 1 $\frac{1}{2}$. | Bright crowns; best fruit of any. All evenly coloured and bright | s. d. 7 0 |
| 2 | 12 | 1 $\frac{3}{4}$ | ... | Perfect condition, bright; good crowns | 7 0 |
| 3 | 12 | 1 $\frac{3}{4}$ | ... | Bright, excellent crowns; all good; splendid condition | 7 0 |
| 4 | ... | 1 $\frac{1}{2}$ | ... | Very attractive; crowns all bright and good fruits | 6 0 |
| 5-8 | 12 | 1 $\frac{1}{2}$ | .. | Exoellent; perfect condition, good crowns; all realised 6s. per dozen | 6 |
| 9-10 | 12 | 1 $\frac{1}{4}$ | ... | Excellent; perfect condition; good crowns; both realised 5s. per dozen | 5 |
| GG A ₁ | 12 | 1 $\frac{3}{4}$ | Nicely coloured | A clean looking Pine, very nicely coloured indeed; sound | 6 0 |
| 2 | 12 | 1 $\frac{3}{4}$ | „ „ | Very pretty colour; one or two bruized; nice sized fruit (see special features 3) | 6 0 |
| G ₁ | 16 | 1 $\frac{1}{4}$ | Scratch case | Dirty looking lot, although of fairly good colour; crowns crushed; fully ripe | 5 4 |
| G ₂ | 16 | 1 $\frac{1}{4}$ | Coloured | One rotten; excellent case otherwise | 5 4 |
| G ₃ | 16 | 1 $\frac{1}{4}$ | „ | Good case; one reddish colour | 6 8 |
| G ₄ | 18 | 1 | „ | Good case and even eyes, also colouring; good crowns | 6 0 |
| 5 | 18 | 1 | „ | Good case; crowns, fruit and colour nice and bright | 4 0 |
| HH | 18 | 1 | Coloured up | (See special features 3) | 5 6 |
| GD | 10 | $\frac{1}{2}$ lb | Bright Baby Pines | „ „ 4, 60 fruits at 2 $\frac{1}{2}$ each | 13 0 |

“ARMADALE” SHIPMENT.

The “Armadales” shipment comprised 40 boxes and six trays of small Natal pines and 16 boxes of Cayennes.

Special Features

1. MARITZBURG CAYENNES.—These pines were received at the Point upon the 17th of February, but were so backward in colour that I decided to keep them over to see if they would colour up sufficiently. This procedure was not altogether very satisfactory as some of the fruit had been picked in too backward a state to colour well. The best were selected

and forwarded on the 24th, that is about a week after they were gathered. These pines are remarkable for their comparatively small crowns, and are popularly spoken of as "King pines," although only a variation of the ordinary Cayenne. They seem to possess a marked tendency to leak their juices. This is, of course, a feature of all our large Cayennes, but it is more pronounced so far as my experience goes in this type. There were three cases of 10 fruits each sent, two of which realised 10s., and the other 4s. 6d. the case, the pines weighing about $4\frac{1}{2}$ lbs. each.

The following are the reports upon the three cases:—

No. 1. Rather small crown, though satisfactory. Eight good condition, fully ripe. Majority evenly coloured, except two, showing a little green. Two leaking, but fair consistency.

No. 2. Eyes rather green, all fairly even, warm colour, two slightly bleeding, and one bleeding badly at stalk.

No. 3. Very good colour, two greenish towards crown, three sweating.

2. PRESERVATIVE TESTS.—

(A) One case. Pines treated and packed on 20th February and shipped on 25th. This case was sent to the Commercial Agent with the following statement:—

"These fruits will have been fully ripe for seven days before being placed in the cool chamber. I would like you to report fully upon their condition on arrival, and if they are sound will you please keep several of them by you with a view to ascertaining how long they will keep after coming out of the cool chamber."

Report.—"One absolutely rotten. All the crowns yellowish and ragged. Fruits showing mildew on the outside. Opened one at once, dead ripe but sound inside, very juicy, flavour delicious. All the fruits of deep red somewhat over-ripe colour of a sodden appearance, also dark-looking in patches."

(B) One case. Four pines treated, four untreated. Pines fully coloured and fresh when packed. Maritzburg type.

Report:—

Untreated: "Deep eyes, small crowns, good, looked quite ripe, even colour."

Treated: "Good crowns, deep eyes, good stalks, not so evenly coloured. One bruised and bleeding, another bleeding slightly, two good condition, but all quite ripe enough. Will report further." The treatment seems to have made no practical difference.

(C) Two cases, 10 each.

Report:—1st case. "Fruit and original colour good, but greasy looking. Crowns very nice, and size well liked. The preservative cannot be too strongly condemned. It destroys the appearance, the mildew

having to be wiped off, and seeing this no person would be inclined to buy, however good and sound the fruit is inside."

2nd Case. "Four of the pines compare in evenness and colour to the Azores, and if of a less sodden appearance (? preservative) would have been just as attractive. This preservative is fatal to the appearance on opening up. If the pines can be guaranteed to land here in this condition (without preservative) there is not much doubt that they will eventually compete not only on fair terms, but on better, with the Azores, by reason of superior flavour of the Natal-grown pine."

In a number of other cases of treated fruit the treatment calls no comment, except two, in one of which 10 out of 16 were unsaleable, and in the other 9 out of 14.

3. A COMPARISON. Two packages of small Natals ripened to a golden yellow on plants gathered on the 19th, packed on the 20th, and placed in cool chamber on the 25th for comparison with one case of pines picked in the green-black stage and allowed to colour up. These pines took six to seven days to colour sufficiently and acquired a fairly good colour, but the eyes were pointed and the bracts of the eyes somewhat withered.

Report:—"The pines allowed to colour upon the plants and packed and held back five days on opening up proved: No. 1 case. Very pretty in colour. One or two bruised. A nice sized fruit (about $1\frac{1}{4}$ lbs.). This or a little bigger (2 lbs.) is the size that should be arrived at for a large regular trade. No. 2 case. Clean looking pines, very nice colour indeed. Sound."

The pines coloured from green-black stage are reported upon as follows:—"Very pointed eyes. Sound condition, but somewhat dirty looking. Colour dull undecided yellowish red. Crowns fairly good. No comparison with above." The former pines realised 6s. per dozen, the latter (only $1\frac{1}{4}$ lb. in weight) fetched 3s. 8d. per dozen, but cost 25 per cent. less to place upon the market.

4. *Baby Pines*.—Four fruit boxes holding 26 fruits each and six 3 inch trays holding 10 fruits each of ridiculously small pines of a nice bright colour but not weighing more than half-a-pound each were sent with a view to ascertaining whether these ratoon pines would realise a sufficiently profitable price if shipped in trays, it being thought that they might sell to costers and flower girls. Those sent in the cases were very tightly packed and suffered considerably on this account. Those sent in trays were unwrapped and without packing and arrived generally sound, and are reported upon as pretty looking pines, a fact due to better ventilation and absence of jamming in packing. Upon those in trays Mr. Poupart reports that he could sell them in small quantities at about 3d. each, but would not recommend very large quantities. This, of course,

would be very profitable, but there is nothing to be gained in supplying a particularly limited market.

SMALL NATAL PINES.

The following tabular statement will convey the best idea of the results of shipping. Mark x are pines grown at Winkel Spruit Experimental Station. The prices realised, except in six cases, were quite unprofitable, and, in comparison with those of the former and later shipments, equally inexplicable:—

| Mark. | No. of Fruits | Weights. | Condition when Packed. | Commercial Agent's Report. | Prices. |
|-------|---------------|----------|-------------------------------------|--|---------|
| | | | | | s. d. |
| X 1 | 12 | 1½ | Coloured uniformly | Very good ; two slightly specked | 3 0 |
| 2 | 12 | 1½ | " " | Mostly sound and evenly coloured; attractive crowns on big side, could, with advantage, be smaller | 6 0 |
| 3 | 12 | 1½ | " " | " " | 3 0 |
| 4 | 12 | 1½ | " " | Eight excellent pines, four specked | 3 0 |
| 5 | 6 | 2 | " " | All excellent, except one specked | 3 6 |
| G G 1 | 12 | 1½ | Uniformly well coloured when picked | Nine good, three specked; appearance very fair | 3 10 |
| G G 2 | 12 | 1½ | " " | Majority good; several gone or specked; all fully ripe, and of very fine appearance. | 3 10 |
| G G 3 | 12 | 1½ | " " | " " | 3 10 |
| G 1 | 14 | 1¼ | Specially coloured | Good condition and colour, except two | 3 0 |
| 2 | 14 | 1¼ | " " | Eight good, one specked, and five unsaleable; even colour and bright | 3 0 |
| 3 | 12 | 1½ | " " | Two specked, condition and colour good | 3 0 |
| 4 | 12 | 1½ | " " | Three specked, two rotten, seven good | 3 0 |
| 5 | 12 | 1½ | " " | One bad; rest in excellent condition; crowns a very nice size | 6 0 |
| 6 | 12 | 1½ | " " | Six good, four specked, two rotten | 3 0 |
| 7 | 12 | 1½ | " " | Six specked; all good even colour; pretty good crowns | 3 0 |
| H 1 | 12 | 1½ | Coloured | Nine good one rotten, two specked | 6 0 |
| 2 | 14 | 1¼ | " " | Four specked, ten good | 5 0 |
| H 3 | 12 | 1½ | Yellowish | Good as to crowns and colour; a little greenish | 6 5 |
| H 4 | 12 | 1¾ | " " | Excellent condition; all good | 10 0 |
| D 1 | 12 | 1½ | Coloured | One specked, one greenish; good crowns and appearance | 4 6 |
| 2 | 12 | 1½ | " " | A fairly good case, a few specked. of nice bright appearance | 4 6 |

"NORMAN" SHIPMENT.

The "Norman" shipment was made up of 76 cases of pineapples.

Amongst these one package of 12 pines was forwarded to Dresden for private report. The pines were all about two pounds each in weight and well coloured. They were sent by cool chamber and arrived at their destination about a week from London. The pines had gone off somewhat, but were in fairly good condition and valued at three to five shillings each.

The following are the special features of this shipment:—

1. Three cases containing 28 Cayenne pines, which had been picked on the green side and allowed to colour up for six days after packing, were sent by cool chamber for comparison with two cases containing 16 similar fruits from the same plantation which had been allowed to colour upon the plants.

The result of this experiment was all in favour of the pines which after packing had coloured up before being placed in the cool chamber. They had coloured more evenly than those in the plants for one thing, and curiously enough the crowns were greener and fresher than those of the latter.

2. Seven small cases containing 18 and 20 fruits which were slightly dried when packed were shipped by cool chamber with a view to ascertaining whether it was practicable or desirable to "cure" ripe pines a little before shipment. The report states that all the fruit arrived sound and of bright colour.

3. Twenty-one cases of 12 each of small Natala grown at Winkel Spruit and running about 1½ lb. each were sent in cool chamber slightly under colour—that is well but not highly coloured and were regarded as fine and all round samples as it was possible to get.

These are reported upon as follows:—

"An attractive, clean pine though a dull colour. Arrived upon the whole in splendid condition and fresh. The crowns excellent. A pine that sells well but should be a little bigger, say, 2 to 2½ lbs." These cases averaged 5s. each, eight realising 4s. 4d. each, eight 4s. 6d., four 6s., and one 7s. *Note:* For cool chamber shipment these pines could have been held back a week.

4. Quoting from my covering letter to the Commercial Agent:—"In the ventilated hold there are 15 cases of small pines and one of Cayennes. A number of the "Small Natala" approach the Cape pine in their small size and smallness of crown. If my local experiments go for anything these latter packed quite green should arrive well coloured, but perhaps a little on the withered side. The large box of green Cayenne pines I do not expect to carry, and will not be surprised to hear they are quite bad on arrival."

The following is extracted from Mr. Harrison's report:—

"The box of Cayennes ex ventilated hold was thrown away. There were black patches all over the fruit and the crowns were ragged and shrivelled. Although the pines were firm to the touch they were black at the core in almost every case. The small pines by ventilated hold arrived in splendid condition and of a bright reddish colour. The crowns were in general good and only a little discoloured at the tips." This fruit realised an average price of 4s. 5d. a case. Twelve boxes of 12 fetched 4s. 6d. each, one of 18 fruits 6s., and one of 24 fruits 5s., one case fetching 2s., the fruit therein being discoloured.

The following statements give general particulars as to the condition of fruit when packed and upon arrival. The packing material was in all cases wood-wool:—

i. CAYENNE PINES IN COOL CHAMBER.

| Mark. | No. of Fruits. | Weights. | Condition when Shipped. | Commercial Agent's Report. |
|-------|----------------|----------|---|--|
| D | 8 | 5½ lbs. | Coloured up for six days after packing; in good condition, and carefully packed | Fully ripe; several bruised; good crowns; fairly deep and even colour |
| D | 10 | 5 | " " | Beautiful colour on upper side; one rotten; others mostly specked or bruised |
| D | 10 | 5 | " " | Colour good, but better on one side than other; fully ripe; one bleeding badly |
| G D | 8 | 5½ | Coloured up on plants packed and shipped at once; all in good condition | Good class of fruit, but uneven in colour; crowns a little yellowish; nearly all bruised; one bleeding badly; one rotten |
| G D | 8 | 5½ | " " | Even coloured; fresh appearance, but not so brightly coloured as D; a number over ripe |
| G | 8 | 5 | ... | Lot G.—Most of this lot of Cayennes had been carelessly handled, and badly forwarded to the packing house. The fruit was ripened upon the plants, and was not uniformly coloured |
| | | | | Four cases; condition not good; treated with secret preservative |
| | | | | Out of the 24 fruits only two arrived sound. Theremainder arrived bruised, bleeding and musty |
| G | 8 | 5½ | Eight fruits from lot G; four treated with preservative; four untreated | The four untreated pines of good colour on one side. They were firm but sweating a little. The other four all specked and mildewed. |

The following statements give general particulars as to the condition of fruit when packed and upon arrival. The packing material was in all cases wood-wool—(*Continued*) :—

| | | | | |
|-----|----|----|---|---|
| G | 8 | 5½ | Specially selected from Lot G, but not treated with preservative | A good case; firm fruit and dry; the best condition on the whole, and most attractive of those sent |
| G | 10 | 5 | Six cases. Typical of Lot G | At least 50 % unsaleable except as specks; many bruized and over ripe |
| G | 12 | 4 | Six cases. Typical of Lot G | A bad lot on opening up |
| G | 14 | 3 | One case of Lot G | Five in fair condition; three mildewed; crowns crushed |
| G Y | 8 | 5½ | Three cases of ripe and well coloured pines; over ripe when packed; not treated with preservative | This fruit all arrived in an unsatisfactory condition, mostly bruized, bleeding, or mouldy |

ii. SMALL NATAL'S IN COOL CHAMBER.

| Marks. | No. of Fruits. | Weight. | Condition when Shipped. | Commercial Agent's Report. | Gross Receipts. |
|--------|----------------|--------------|---|--|---|
| X | 12 | lbs. 1½-2 | 21 cases of 12 pines each from Winkle Spruit Expmt. Farm. Coloured on plants to a yellow colour; quite fresh. Lot G, 11 cases of smallish pines, not well nor carefully handled; forwarded without particular selection; some treated with secret preservative | An attractive clean pine, though a dull yellow; arrived on the whole in splendid condition; crowns excellent; a pine that sells well, but should be a little bigger; say 2lbs. to 2½lbs. | s. d. ... Average 5s. per case. |
| G | 12 | 1½ | Two cases of 12 each; specially selected and not treated with preservative; well coloured. | Nice looking fruit and good crowns; slightly specked. | 6s. per case. |
| G | 18 | 1½ | Full coloured; treated with preservative (1 case) | Two specked, dirty looking, and all rather soft to touch; crowns withered | 9 0 |
| G | 20 | 1 | Two cases; fully ripe; treated with preservative | First case—Two rotten, others mostly mildewed, probably caused by "cure" Second case—Fruits over ripe, the "cure" gives a filthy appearance; all soft | Average, 4s. 4d. |
| G | 20 | 1 | Six cases; not treated with preservative; all well coloured and ripe | Arrived all fully ripe and in much better condition than above | |

iii. SMALL NATALS IN VENTILATED HOLD.

This lot, consisting of 15 cases of green fruits purchased upon the market, was graded out in accordance with size and appearance and forwarded by ventilated hold.

| Marks. | No. of Fruits. | Weight. | Condition when Shipped. | Commercial Agent's Report. | Gross Receipts |
|--------|----------------|-----------------|-------------------------|--|---------------------------|
| | | lbs. | | | |
| F | 12 | 1 $\frac{3}{4}$ | 13 cases of 12 fruits | All 15 cases opened up of a bright reddish colour; arrived in splendid condition; the following are notes on each case:— 1 Sound; good conditioned crowns: one fruit "specked" 2 Nice crowns, but little discoloured and weak; fruit sound; a few specs 3 A number specked; one rotten 4 } 5 } 6 } Excellent cases; good stiff crowns, and only a little discoloured at the tips 7 } 8 } 9 } 10 Very good case; bigger crowns and firm 11 Three fruits slightly discoloured 12 } Very good; crowns much more attractive, and better condition than Capes 13 } 14 Case of 18 pines; all sound; bright colour 15 Case of 24 pines; very small; all good | Average, 4s. 6d. per case |
| | 18 | 1 $\frac{1}{2}$ | 1 " 18 " | | |
| | 24 | 1 | 1 " 24 " | | |

CAYENNES.

Condition on Arrival and Prices.

The prices realised for the sound Cayennes were from 9d. to 1s. 6d. each, and the condition upon arrival very much the same as packed. What is so pronounced is that the pines which were picked, handled and forwarded to me carefully arrived sound, whereas in other lots bruizing and bleeding is a marked feature. The only Cayennes that were properly handled and carefully forwarded were 10 from Winkel Spruit. These weighed about 3 lbs. to 3 $\frac{3}{4}$ lbs. each and realised 1s. 4d. each; these are reported upon as follows:—

"Very fine even colour, splendid crowns and sound fruit. A pine which should have a big vogue, if consistently good on arrival."

CONCLUSIONS.

It is so absolutely impossible to reconcile some of the features of the above reports in respect to the condition upon arrival and the prices

realised that I do not propose to attempt any explanation. The prices obtained for small Queens in the first and third shipments compare very well, but the gross returns of the second shipment destroy the confidence the others inspire. Taking the Winkel Spruit pines alone we find that in the first shipment they fetched 6s. and 7s. per dozen, and in the third an average of 5s. was obtained. The same fruit in the second shipment realised 3s. per dozen. But there are far greater discrepancies than these.

So far as Cayennes are concerned the prices realised, particularly in the third shipment, are so at variance with the reports that I can only conclude that the prices given in the official account sales bear no relation whatever to the packages against which they are set.

Otherwise the results are practically those arrived at in the first series of shipments. That is by sending selected pines of $1\frac{1}{2}$ to 2 lbs. in weight, which are well and carefully packed, a nett return of 2s. to 2s. 6d. per dozen may be expected.

3RD SERIES.

The 3rd series comprised two shipments, one of 136 boxes and one of 82 boxes shipped in August. These were made by special request and the senders looking upon the trial as "a practical one" and paying the expenses. All the pines, weighing $1\frac{1}{4}$ lb. and upwards, were sent from one field. Unfortunately these pines were forwarded as in all other cases to the Point for packing and had been injured in transit. Of course, detectable injuries were eliminated, but it is not always possible to detect all injuries received in transit. Again these pines suffered from black core or specking. The experiment was a failure and did not clear expenses, involving the loss of the boxwood and the value of the fruit. As an experiment, however, it was valuable as showing the necessity for shipping only carefully selected and well-grown pines.

GENERAL CONCLUSIONS.

The following conclusions may be said to be based upon practical experience, but they only take into consideration the series of shipments in which I have been directly interested, full particulars of which are given above or in my previous report.

There have been numerous minor private experiments made by as many individuals, but unfortunately those who make these experiments do not publish the results, and what little one hears about them precludes any possibility of arriving at a correct estimate of their value.

The question of pineapple export is, however, an important one and should not be lost sight of because no particular success has been achieved in the past. To my mind it can be made more important, I believe more permanent and remunerative, than naartje export.

Pineapple culture can hardly be said to be a good paying proposition in Natal to-day, and as an industry it is upon the whole a decadent

one. With few exceptions, and then chiefly by growers of Cayennes, little attention is given to advanced pineapple culture—a state of affairs largely attributed to continued disappointments.

Before pineapple export can be made a success and placed upon an assured basis, it is obvious to me that advanced methods and specialisation must occur in the culture of the Small Natal pine. In this connection I think we can safely leave out of consideration other varieties.

Generally speaking only two varieties are grown; these are the smooth-leaved Cayenne—a close relative if not identical with the Azores pineapple and the “Small Natal,” for which the name “Golden Queen” has been suggested. It is necessary here to point out that the term “Queen pine” is frequently attached to the large Cayenne, presumably, I suppose, because its large size gives it a regal appearance. A few gentlemen have imported and grown other kinds, of which there is a wide variety, but no remarkable results have been achieved.

It will be noted from the reports that a considerable number of Cayenne pines were used throughout the experiments, and it is well to mention that small lots of this variety are frequently shipped by various parties to London.

There are, however, so many drawbacks to the shipment of this kind that I do not presume to recommend it strongly as an export line. In the first place it is a fruit which must always be shipped by cool chamber, and our experiments have demonstrated three things in this connection. These are (1) that pineapples do not colour up in the cool chamber, (2) upon removal they do not colour up after being kept so long under the influence of the low temperature, and (3) the keeping qualities are considerably impaired—a feature which depreciates the market value at once.

As this variety does not colour up as does the small Queen if picked green, its shipment by any other means than cool chamber is out of the question. More than this, they do not colour up evenly upon the plants, and must be harvested for several reasons before they are well ripened. It was found that if fairly coloured when picked they will colour up quite well, a great improvement being effected if packed and allowed to colour under such conditions at the ordinary temperature.

The worst feature of this fruit is its tendency to “Bleed.” In fact the finest examples bleed sometimes most profusely. Our experiments showed that bleeding fruit came out of the cool chamber still bleeding, and also that bleeding would arise in the cool chamber. To my mind this feature alone makes the fruit undesirable for export purposes as it is one that cannot be guarded and so large a proportion are apt to start bleeding.

A further drawback is the uncertainty as to prices. With success

one may expect 1s. apiece as a steady uniform price for pines of the larger type ($3\frac{1}{2}$ to $5\frac{1}{2}$ lbs.) arriving in good condition. It will be noticed from the experiments that these fruits packed 8—10 and 12 to the box, the average pack works out at 10 to the package, which was 40 x 20 x 7 inches, or 12 boxes to the ship's ton. Otherwise, at 60s. per ton, the freight alone works out at 6d. per pine and the boxes at $1\frac{1}{2}$ d. per fruit.

As pointed out elsewhere, small Cayennes of 2 to $2\frac{1}{2}$ lbs. are exactly on a par with large Natal or Golden Queens, and may be expected to fetch 8s. per dozen, or a profit of 3s. to 4s. per dozen, which, if it can be maintained, is a very promising feature of the experiment.

However, what hopes there are to build one upon more solid foundations are in relation to the export of our Natal Golden Queen.

In the first place there can be no question that for export purposes improvement by selection, care and culture has to receive primary attention. That such is the case is illustrated in the Winkel Spruit lots, which were not specially selected but which were grown upon good principles.

It can be said at once that fit pines for export will only be obtained from "plant" and 1st ratoons. That is first and second crops. Not alone because of the size question, but what is more important, that is "specking." "Specking" is the external evidence of brown rot, and this trouble is less pronounced in "plant" and first year ratoons than it is in old plantations. There is no doubt that as the plants get older this disease gets worse, and it gets worse first because of debility, but more so because the fruit has greater opportunities of becoming affected.

Brown rot, as is well known, does not destroy the whole of the pine, but it ruins its appearance. It starts from the eye and drives inward to the core, and is due to a mould which is reasonably supposed to gain its entrance through the flowers, the spores being probably distributed by insects. It stands to reason that the older the plantation becomes the greater the ascendancy of this parasite.

"Specking" is a dangerous trouble, because it is not manifest in green pines and is frequently undiscernable in quite ripe pines. If my observations go for anything the cool chambering seems to bring it into more prominence as care was taken to eliminate pines which showed any indication of "speck" when packing, and yet many opened up badly affected.

A strong feature brought out by the experiments was that pineapples for export must be carefully handled. Indeed, it is of primary importance that they should be carefully picked and as carefully removed from the fields to the packing houses. Gloves should always be supplied to the pickers, not that the fruit can be injured by the hands, but that the hands being protected no accidents happen to the fruit. Further, I am satisfied that the fruit should be kept in single layers, or at any rate that a buffer

of grass or such-like soft material should be used between each layer when the fruit is being harvested and transported to the packing house. In short, I am sure it is easy to injure a pineapple sufficiently from the field to the packing house so that when it arrives in London that injury has become very pronounced. This applies in whatever stage the fruit is picked.

So far as shipment is concerned, there are two means of shipment, cool chamber and ventilated hold, and a grower can choose either or both, but he is limited each way by the stage of maturity of each fruit as indicated by the degree of colour manifest.

If the ventilated hold is chosen then certain considerations have to be taken in mind. The first of these is that the fruit must be picked dark green without any pale green or yellow showing and only a few days (three at most) before the date of shipment. That is if the steamer leaves on Thursday the fruit should be picked upon Tuesday. From all that I can gather, ventilated hold shipments must be confined to quite green fruit, harvested and packed within three days of shipment.

If the cool chamber is chosen the shipper is not tied down to so restricted a time limit.

What he must do in sizing his fruit, however, is to grade it out in accordance with the degree of colour, and he will find that he can make out about four colour degrees between the pale green and the full yellow of the matured fruit. If he does this he can do his packing uninterruptedly and ship his fruit after it has coloured up nicely, because he knows that it will open up at the other end of its journey almost if not exactly in that degree of colour which it attained just prior to being placed in the cool chamber.

Pineapples can be sized with little practice by eye and their grading is not at all difficult. Upon any indication of a damaged or diseased eye fruits should be rejected. It will also be found profitable in grading to put those with nice well-formed crowns together, making a selected package of them. They should always be cut with $1\frac{1}{2}$ in. to 2 in. of stalk, the larger Cayennes having 3 in. to 4 in. left.

No particular advantage comes of sealing the stalk ends, and it is far preferable to cut the stalks straight across and to the right length when harvesting than to cut roughly and trim up afterwards.

The leaves about the base should be pulled off and the pine dressed in that respect. Before wrapping the fruit should be brushed over, preferably with a good soft bannister broom so as to remove all grit, sand and dust. The whole, the crown and fruit, is best wrapped, as otherwise no matter how clean the packing material, a certain amount of dust is bound to filter in on the fruit. The dust and fragments in even the best wood-wool was found to give the fruit a dirty appearance.

The packing material should be coarse and springy; there are only two suitable materials, and these are wood-wool and shredded mealie husks. A coarse wood-wool is far preferable to the fine, good quality stuff usually used for fruits, and which rather tells upon the fruit than favours it. If the fruit is wrapped, packing material is not necessary between the fruit, but a layer is required beneath and above and at the sides. The use of fine wood-wool and the use of too much interferes with the ventilation of the package and seems to cause sweating.

Only the clean inner leaves off the cobs can be used for packing, and even these are worse than wood-wool if not thoroughly shredded into narrow strips.

Miscellaneous Fruit Export.

SUMMER FRUITS.

The export of summer fruits from Natal is a matter which does not hold out much of a future. Our climatic conditions are such that fruits of good carrying qualities can hardly be produced. If any development is to take place I fear it can only be with early plums and late apples. Against even this is the question of hailstorms, whose very vehemence is unfortunately confined to our best apple and pear growing districts.

In connection with this particular vagary of the elements numerous enquiries have been set upon foot, but little if anything of value has been ascertained, and hail prevention seems, as ever, in the clouds.

Experiments are now in progress in connection with hail-guards for fruit trees and galvanised woven wire screens, after the pattern of the spring mattress, are under trial. These are at present very expensive, running to 20s. per tree; their effectiveness can, I think, be relied upon, but their durability is an open question.

A report has already been furnished upon a trial shipment of Methley plums to London and further shipments are arranged for next season. The original shipment, owing to the early appearance of the variety upon the market, proved most encouraging, and, in conjunction with next season's trial an effort will be made to increase the size of this local sort by heavy thinning of the crop.

Tropical Fruits.

In the export of Avocados and Mangos there appears to be, from the small experiments made, a promise of a remunerative if limited export, but both these lines require further exploitation.

The question of Banana export is one cropping up frequently both as regards the fresh fruit, dried bananas, banana figs and banana flour. For the present this is not a matter of moment. It is scarcely credible that fresh bananas will ever be exported from here to Europe, and with

the progress and growth of South Africa it will, I opine, be a very long while before banana culture here will do any more than meet the local demand, and so there will be no surplus to turn into either figs or flour.

LOCUSTS.

For the first summer during my term as Entomologist locusts have been a negligible quantity, no damage having been done by either fliers or hoppers. Early arrangements were made to meet any possible hatching of hoppers, supplies being dispatched to depots throughout Zululand and to other likely centres. Fortunately, the threatened invasion, heralded by a southward flight of redwing locusts in the early spring, came to nothing, and eggs were only laid over a limited area in the Lower Illovo district, the resulting hoppers being speedily destroyed.

The previous season a great deal of the work was accomplished with prepared poison and our arrangements for this year anticipated the general use of this. This poison was prepared according to Lounsbury's suggestions and was greatly appreciated, especially by our most experienced officers, who found its use more economic and possessing many advantages over the older methods.

Coincident with the abatement of the Red wing locust the Brown locust of the other Colonies has also practically disappeared. It is hardly credible that these two very different insects are influenced by the same natural conditions; and, although for years past both have been at their worst, there have been periods when Brown locusts ravaged the high veld of the Free State and the Transvaal, whilst Natal enjoyed complete immunity from the incursion of any locusts.

It has always been anticipated that history would in time repeat itself and the Redwing locust would disappear from Natal in obedience to some natural cause. To-day this is generally thought to be the case without any natural phenomenon to account for it.

There has, of course, been an ascendancy of natural agents, for in 1906 the fliers were decimated by disease throughout parts of Zululand, and egg-parasites have been more abundant of recent years, but neither of these agents, nor the more recent assistance rendered by the white stork, have been sufficient to explain the situation of to-day. Indeed, there is every reason for assuming that the benign conditions now prevailing as regards the Brown locust are entirely due to the systematic operations against them, and it is far more reasonable to assume that our own present happy circumstances are due to similar and long-continued efforts coming to fruition as soon as effective hopper destruction was carried on to the north of our sphere of operations.

Granting that the destruction work is to be credited with its full effect, at least it can be said that the finishing touches have been applied by natural agencies. It is my opinion to-day that the campaigns con-

ducted have so lessened the locusts that they have been at last overcome by their natural enemies, the chief factor happening to be the "White Stork."

Where the Redwing locusts are at present it is not just now possible to say, but it is inadvisable to assume that the insects have been exterminated and unwise to relax our vigilance in watching for indications of fresh invasions. Indeed, the work of locust destruction should now be done even farther afield, and should either species assume menacing proportions to the north of South Africa there would be every justification for our taking steps for their destruction, because as certain as they increase there so certainly will they swoop down upon our territory.

WATTLE INSECTS AND WATTLE TROUBLES.

The wattle-growing industry of Natal has been a remarkable development from its inception, and every year sees more and more of our virgin acres broken to sustain this wealth-producing tree. In 1898 wattle culture had assumed no mean proportions, there being some 9,515 acres in existence, and ten years later (1908) the area was returned at 108,444, the land, buildings and machinery alone representing £260,630, and still the rate of extension shows no signs of diminution.

With the exception of the Australian Bug—a pest that does not count because of the general distribution of its natural enemy—the *Vedalia* beetle—the wattle enjoys complete immunity from the one hundred and one insect and fungus parasites of which it is the natural host in its native land.

The attacks of white ants upon plantations have further been controlled quite effectively wherever the suggestion thrown out by this office has been adopted; that is, the destruction of all termite nests in the virgin lands before they have been ploughed by pumping in arsenic and sulphur fumes.

From the inception of wattle culture some of the insects which exist upon the native mimosas took to the cultivated plant, chief among these being the bag-worm and several defoliating caterpillars and beetles. Since then several other insects have acquired a liking for the plants, and the attack of a small capsid bug, a trouble coming more into prominence of late, bids fair to prove one of the most important of all.

It is only natural that the greater development of the industry should lead to some unusual increase in the native insects of the mimosas, and there is no doubt that the near future will call for an extended investigation into these subjects. Diseases other than insect attacks have not come into any particular prominence, but disturbances of a physiological nature have several times come under notice.

MEALIE TOP GRUB.

In view of the divergent opinions held with regard to the life-cycle

and development of the mealie top grub, some further field observations were carried out in the spring. There were all confirmatory of those previously made, and it may be interesting to state that pieces of stalk and stumps collected from newly ploughed lands at Thornybush as late as the 23rd of November, contained over-winter caterpillars. These were, of course, exceptionally late, and at the time they were taken pupæ were also found and adult moths were already upon the wing.

The true and economic plan of dealing with this pest is by clearing off all stumps and stalks before the insects have transformed, and as this can be done as late as the last week in August the excuse formerly urged that the stalks were required for winter food no longer carries weight.

In addition to this measure comes the planting as early as possible of a small area of mealies, even if such entails irrigation, to act as a trap crop.

The control of the grub in the field, when taken in time, can be effectively done by pouring poison into the "cups" of the plants, and arsenate of lead has proved the safest form in which to apply this. At the same time such a treatment can scarcely be called an economic one, and at the best only one that can be carried out upon a small scale.

The damage done in a field of mealies by the top grub is due to the fact that at a certain stage of growth the caterpillars wander afield and bore into the stems of sound plants and destroy the core in which at that stage the future tassel and cob are already formed.

The moth does not lay an egg upon each plant, but as a rule deposits a fairly large brood upon individual plants. The young feed upon these plants and riddle them, subsequently wandering off and attacking the field wholesale. It is, therefore, readily realised that originally only a percentage of plants are infested, and consequently a great deal of damage can be lessened by cutting out the plants upon which the young grubs abound. In this stage the grubs are a quarter to half-an-inch in length and of a black colour and quite easily discovered.

A proposal which was seriously put forward some time ago, and which I understand has been adopted with some success by several farmers, is to mow off the mealies right through the field when the first indications of grub attack are noticed. Of course this could only be done whilst the core of the plant is still at a low elevation, because it would ruin the plants to cut below the growing point of the core, which in the very early stage contains in embryo form the future leaves, stem, cobs and tassel. Done at any time, this cutting back checks the growth of the plant, sometimes quite considerably, and the treatment is not one that should be adopted without some consideration and experiment.

MEALIE WEEVIL.

Whilst tanking and carbon bisulphide treatment for the control of

weevil attack are both being adopted, weevil attack remains a very serious consideration for the farmer, the buyer and the shipper.

By recent tests of a varied nature it has been clearly demonstrated that moisture is particularly essential to the life and activity of weevils, and it is this fact which explains the immunity of kiln-dried mealies and the comparative immunity of cob-mealies which are hung up to dry or stored in open and thoroughly well ventilated bins. I mention this as indicating that in connection with weevil attack alone, thorough drying is of first importance to the farmer, and much greater attention should be given thereto.

Speaking broadly, all mealies when harvested may be regarded as weevil infested, because primary infestation usually takes place in the fields. The first attack is slight—a very small affair—but it depends upon just how the grain is treated after harvesting whether it develops into a gross infestation or not.

Because of the weevil test to which grain for export is submitted—the mere presence of a few live weevils condemns a shipment—it is, to my mind, very much a matter of luck whether a consignment gets away.

For instance, "A" forwards 500 bags, they arrive with but little delay on rail, are examined, passed, and expeditiously shipped. He sends a similar quantity a day or so later and when they arrive at the Point they are immediately examined and passed, but a week elapses before they can be shipped; the second examination reveals the presence of weevils, and they are condemned. Strictly speaking, they are no more weevil-infested than the first consignment.

It is the general experience of marine surveyors in England that no cargo ever arrives that is absolutely free from weevil, and so under such circumstances it is obvious that some account might reasonably be taken of the degree of infestation exhibited by a consignment when examined this side.

If at no other time, some justification exists for certain relaxation of the test from September to January for the very simple reason that light infestations are not apt to develop dangerously, because as soon as the steamer gets north of the Equator its entrance into cold waters brings the activity of the insect to a standstill, and the weevils are killed by the cold prevailing when the grain is landed.

Considering the vast amount of grain which has been condemned in the past on account of light weevil infestation, it becomes almost imperative to evolve some scheme, such as the Clayton gas process, which should meet the case if it does what is claimed of it, for treating mealies before shipment and possibly in the ship's holds. More especially will this be the case if ever bulk shipment is adopted, because there can be no doubt that owing to the mealies being shipped as at present in bags,

a certain amount of ventilation is provided which permits of evaporation, rendering the grain less liable to gross infestation.

POTATO IMPORTS.

Considerably greater attention has been given to the inspection of imported potatoes during the past twelve months than ever in the past.

The recognition by the Transvaal authorities of several potato troubles as being particularly pestivorous and the economic importance of two hitherto little known disease has brought this about.

Under the new arrangement any consignment showing indications of disease is condemned, but in some cases importers are allowed to sort over their consignments. Quite the majority of consignments arriving within the last twelve months have been sorted before leaving the port.

Potatoes imported for seed purposes have been found to be affected by a number of diseases, and, although such inspections and precautions cannot give any absolute prevention against the introduction of disease by this means, the work does to a great extent safeguard the grower, and it has certainly resulted in keeping out of the country a number of consignments of very badly diseased seed.

Although at first importers and senders contended that it was impossible to ship sound potatoes and that such diseases as the seed might contain were of no particular moment, I have no hesitation in contradicting both arguments.

FRUIT FLY.

The control of the Fruit Fly now appears within reasonable distance, in view of the success attending the application of Mally's bait. Trials which have been made in several citrus orchards have been attended with remarkable effects, and where the treatment has been applied for the melon fly, which attacks squashes, marrows, pumpkins and the like, it has proved equally successful.

REPORTS AND PUBLICATIONS.

The last regular annual report of this office was for the year ending 30th June, 1906. Very soon after this period the Chief Locust Officer was retired, and I lost the services of the Technical Assistant. The whole of the 1906-7 locust campaign had to be undertaken by myself with the sole assistance of Mr. Kelly. The work involved a great amount of time, and at the close of the campaign a special effort was made to adjust the stock lists and accounts of previous years, which were in great confusion. At the close of this work Mr. Kelly was seconded to the Orange River Colony Service, and under instructions a short course of lectures were given at Cedara. Disorganisation soon followed with the calling out of the Militia late in 1907, and upon the return of my assistant it was only possible to carry through and wind up the 1907-8 locust campaign in time to undertake the 1908 departmental export of

citrus. From then until quite recently that work—extending over 1909—has fully occupied the attention of myself and my small staff.

As is only natural under the circumstances, reports and publications have not had special consideration. A special report was published upon the 1908 citrus export, and the following tabulated statement shows the contributions made to the *Agricultural Journal* since 30th June, 1906. Incidentally it may be mentioned that both the first and second Annual Reports of the South African Central Locust Bureau were prepared and edited for publication in the interim.

| Title. | Nature. | Month. | Pages. | Author. |
|-----------------------------|-----------------|---------------|----------|----------------|
| 1906 | | | | |
| Insect Collections ... | Article ... | July ... | 676-8 | H. Berensberg. |
| Earthworms, etc., i ... | " ... | " ... | 692-6 | C. Fuller. |
| White Ant Exterminator ... | Note ... | " ... | 709-10 | " |
| Earthworms, etc., ii ... | Article ... | August ... | 749-52 | " |
| White Ant Exterminator ... | Note ... | " ... | 756 | " |
| The Bagworm Mystery ... | Article ... | September ... | 837 | " |
| Pear Blight ... | Open letter ... | December ... | 1,135-7 | Albert Kelly. |
| 1907 | | | | |
| Insects in German E. Africa | Article ... | January ... | 50-55 | H. Berensberg. |
| Tomato Troubles ... | Open letter ... | March ... | 239-44 | Albert Kelly. |
| House Ants ... | " ... | April ... | 331-4 | " |
| Notes of the Month ... | Misc. notes ... | " ... | 388-93 | C. Fuller. |
| Chats about Insects ... | " ... | May ... | 500-4 | " |
| Notes of the Month ... | Misc. notes ... | " ... | 533-5 | " |
| " " " " ... | " ... | June ... | 641-6 | " |
| Insects as Food ... | Article ... | July ... | 757-62 | H. Berensberg. |
| Notes of the Month ... | Misc. notes ... | " ... | 765-70 | C. Fuller. |
| " " " " ... | " ... | August ... | 925-8 | " |
| Scale Insects ... | Article ... | September ... | 1,031-55 | " |
| Notes of the Month ... | Misc. notes ... | " ... | 1,121-5 | " |
| " " " " ... | " ... | October ... | 1,261-5 | " |
| " " " " ... | " ... | November ... | 1,387-93 | " |
| " " " " ... | " ... | December ... | 1,553 | " |
| 1908 | | | | |
| Notes of the Month ... | Misc. notes ... | January ... | 65-5 | C. Fuller. |
| " " " " ... | " ... | February.. | 191-6 | " |
| Ticks and E. C. Fever ... | Note ... | April ... | 427-8 | " |
| Locust Destruction ... | Report ... | July ... | 865-74 | Albert Kelly. |
| Notes of the Month ... | Misc. notes ... | September ... | 1,161-6 | A. K., C. F. |
| " " " " ... | " ... | October ... | 1,304-10 | C. Fuller. |
| 1909 | | | | |
| Notes of the Month ... | Misc. notes ... | January ... | 76-90 | C. Fuller. |
| Bagworms ... | Article ... | February.. | 185-95 | " |
| Notes of the Month ... | Misc. notes ... | " ... | 217-24 | " |
| " " " " ... | " ... | March ... | 340-5 | " |
| Pineapple Export ... | Report ... | " ... | 354-64 | " |
| Potato Troubles ... | Article ... | April ... | 427-35 | Albert Kelly. |
| Notes of the Month ... | Misc. notes ... | " ... | 493-8 | C. Fuller. |
| Note on Fleas ... | Note ... | May ... | 567-9 | Albert Kelly. |
| Notes of the Month ... | Misc. notes ... | " ... | 646-53 | C. Fuller. |
| Locust Destruction ... | Report ... | June ... | 747-9 | Albert Kelly. |
| Gordius Worm ... | Article ... | " ... | 755-6 | " |
| Wattle Caterpillar ... | " ... | December. | — | W. E. Jones. |
| 1910 | | | | |
| Notes of the Month ... | Misc. notes ... | February.. | 173-5 | C. Fuller. |
| The Methley Plum ... | Article ... | March ... | 279-82 | " |
| Some Wattle Insects ... | " ... | April ... | 394-412 | " |
| Orchard Notes ... | " ... | " ... | 407-13 | " |
| The Horn Apple ... | Note ... | " ... | 413 | " |

PLANT IMPORT INSPECTIONS.

The subjoined table gives the various plant imports arriving at Durban during the past three financial years which have been examined or passed by the Inspector of Plant Imports:—

PORT INSPECTIONS.

| | 1907-8 | 1908-9 | 1909-10 | |
|------------------------|--------|--------|---------|---------------|
| Potatoes | 11,663 | 39 407 | 39,192 | Cases. |
| Onions | 7,297 | — | — | " |
| Apples | 10,429 | 4,957 | 3,934 | " |
| Pears | 677 | 1 248 | 8,985 | " |
| Quinces | 31 | — | — | " |
| Oranges | 757 | 607 | 241 | " |
| Lemons | 2,754 | 1 432 | 926 | " |
| Plums | 415 | 3,675 | 3 385 | " |
| Peaches and Nectarines | 624 | 2,383 | 1,829 | " |
| Apricots | 193 | 1,128 | 1,225 | " |
| Grapes | 13 454 | 14,790 | 10,880 | " |
| Mangoes | 138 | 107 | 1 | " |
| Ramie Roots | — | 1 | 79 | " |
| Rubber Plants | 103 | 100 | 55 | " |
| Ornamental Plants ... | 387 | 116 | 125 | " |
| Bulbs | 111 | 86 | 79 | " |
| Fruit Trees | 25 | 14 | 29 | Consignments. |

CORRESPONDENCE.

The correspondence of this office has largely fallen off, chiefly owing, I believe, to the fact that so much time was given up to fruit export, and, of course, to the decrease of office work incidental to the disappearance of locusts.

The following return shows the distribution of correspondence from January, 1907, to May, 1910:—

| Communications. | 1907 Jan.-Jun. | 1907 July-Dec. | 1908 Jan.-June. | 1908 July-Dec. | 1909 Jan.-June. | 1909 July-Dec. | 1910 Jan.-May. |
|-----------------|-------------------|-------------------|--------------------|-------------------|--------------------|-------------------|-------------------|
| In | 2,409 | 1,998 | 1,714 | 1,338 | 1,168 | 787 | 793 |
| Out | 3,509 | 2,229 | 1,959 | 1,748 | 1 799 | 1,163 | 850 |

CLAUDE FULLER,

Chief, Division of Entomology and Horticulture.

No one ever misses it by giving his horses plenty of clean bedding. Three wisps of straw and a clean horse in the morning do not go together.

The Living Bee.

By MARY RITCHIE,

*President, Natal Bee-Keepers' Association; Natal Expert, South African
Bee-Keepers' Association.*

(Continued from Page 581, Vol. XIV.)

XXV.—WINTER WEATHER.

AUTUMN sunshine and autumn flowers warn us of the approach of winter. Not that there will be any real winter, any need for us to worry about the fashion of our furs, or the sharpening of our skates, but between the dispersal of the seed in autumn and its sprouting in the spring there is a time of rest of winter sleep alike for plants and bees. During May, June and July we do not expect the bees to build combs and gather surplus. As the days shorten, the work of the hive slows down. The bees are later in the morning, earlier in at night. Closer and closer draws the cluster against the cold.

Let in the Sunlight.—There is the much disputed question of shade. I believe strongly in summer shade, but if hives are in thick natural shade in the winter it is well to cut the lower branches and let in as much as possible of the winter sunshine. So much for external conditions, the great secret of successful wintering is natural warmth—plenty bees and abundant stores. Here the bee-keeper must take time by the forelock, if he would have honey in the spring. Leaf-buds and bulbs are formed in the autumn, lie dormant during the winter and wake up in the spring. In the same way colonies should be built up in the autumn so that they will hibernate safely during the dry season and wake up or be “shook up” in the spring.

On the coast this winter sleep does not occur to the same extent. The bees fly more, consequently there is more wear and tear and even more need of abundant stores.

How envious bee-keepers in colder countries must be of the conditions in Natal. No anxiety about sufficiency of stores; no shutting down of hives and putting them in the cellar; no fighting against damp and snow. What must be guarded against are cold winds, ants, moths, and robber bees.

Cold Winds.—Anyone who has lived in a draughty house in a windy town will sympathise with the bees in their desire to have everything weather-proof. Very carefully and laboriously they seal up the sides and

covers of their hives with propolis to retain the bee heat. We must assist them by contracting the entrances and making sure that roofs are wind and water tight. The ventilation they will attend to themselves upon principles quite scientific. It is doubtful wisdom to open a hive when the outside temperature is much below that of the bees, but learners do many things that are far from wise, and I shall never forget my astonishment when once upon a time I put my hand into the centre of a hive and felt the intense heat of the cluster. (In comb-building it varies from 90 to 100 degrees. As soon as we feel the need of a warmer coat we may begin to think of warmer quilts for the bees. In some districts these would have to be put on at sundown and removed in the morning to keep up with fluctuations in temperature? It is to ensure a warm, even temperature that in cold countries bees are put in the cellar, but sometimes hives are protected on their summer stands by turning a box, lined with old carpets, sacks, etc., over the hive. This would have to be quite tight fitting if used on the Coast, otherwise it would be an excellent place to harbour spiders, cockroaches, and crickets. For most place in Natal warm quilts within the cover are sufficient. If an empty super is used quilts of any thickness can be put on, while a thin board the exact size of the hive is best for the mist belts.

Ants.—Only one who has kept house in a tropical country knows how troublesome these tiny insects can be. They appear from nowhere and are everywhere. Hot syrup in the hive proves just as attractive as potted meat in the pantry. They come and go at first, but if allowed they will soon take up their abode within the quilts and share both food and warmth. Nothing worries bees more than these tiny ants. The black ants they all seize forcibly and fly away with, dropping them at a short distance from the hive, but against the small ants they are powerless. If quite overrun their plight is pitiful. They seem to feel their helplessness and either given in, crying piteously or stand over them trembling with rage, vibrating their wings and “fuffing” with the fury of an angry kitten, until at last, driven to despair, they desert their hive, take to their wings and fly away.

To be secure from ants, all hives should be on stands at least four inches above the ground, with the feet in shallow enamelled tins or saucers. An inexpensive device is four coach bolts simply screwed into the four corners of the frame of the bottom board, which serve as legs. To set the hive legs in tins and allow the grass or weeds to grow close up all round the stands is the only preventative. Cement stands, now being tried in America, are useless for this country just on account of the ants. I tried them some years ago. The way the ants lined up, quick march across the parade ground, otherwise the alighting board, and into the hive was appalling!

XXVI.—ROBBER BEES.

Thyme and sage, *duranta* and *poinsettia* bloom in the Maritzburg gardens, but on the top of Zwaartkop Mountain the great red aloes glow in the sunshine. Very few people know, for the hill is steep and only resolute climbers reach the top, but the bees know and in the stillness they hum joyously over the flowers and wait impatiently for the buds to open. How did they know? The wind has carried the scent to their rocky homes in the cliff and they need no second invitation to an aloe feast. We must remember this wonderfully keen sense of smell which they possess, if we are to understand the ways and deal with the naughtiness of robber bees.

"Birds in their little nests agree" we sang believingly till one day we saw two sparrows quarrelling about a straw. In the same way after seeing a hand to hand struggle between two workers or witnessing a pitched battle between two hives, we are disillusioned about the meekness of the busy little bee. Their warfare is characterised by the same whole-hearted energy and absorbing intentness they show in their work, and once roused they fight like fiends. They do not use their stings, however, against each other, but bite and wrestle and try to tear one another to pieces.

In autumn when stores are low and honey scarce and "first done helps their neighbours" as the children say, we must be on the look out for robber bees. Prevention is twenty times better than cure, and the bee-keeper must be careful to give them no cause for conflict.

In the first place all hives should be some distance apart so that when opened the scent of their stores does not attract neighbouring bees. If a hive is to be opened for any length of time cover the exposed frames with a clean wet quilt to keep in the scent of the honey. In removing honey from a hive it is always well to cover it with a clean wet cloth for the same reason. Extracting frames should always be returned at sunset, as again the strong scent of the honey from the wet frames, is very apt to excite the bees and start robbing. Scraps of honeycomb should never be left about on any account, but should this happen and the bees find the feast, let it remain till they have finished and all gone back to their hives, otherwise if removed they will hunt round for it or any other stores that they can get.

In the "A.B.C. of Beekeeping," Mr. Root gives a full length portrait of a robber bee and describes its manner of entering and leaving the hive, how slowly and slyly it obtains an entrance and how it comes away wiping its mouth and a wee bit unsteady on its legs, staggering in fact beneath the weight of its ill-gotten gains. A beginner will very soon recognise them by their gait. When hive fights have there is no mistak-

ing the sounds of the conflict. Sometimes at mid-summer the bees are short tempered and quarrelsome on account of the heat, but at any other time of the year a hand to hand struggle between two bees generally means that robbing has begun and the bee-keeper must come to the assistance of the weaker colony. To close the hive that is being attacked in a hot climate like ours might suffocate the bees; the best plan is that in the "British Bee-Keepers Guide Book" on page 156. Mr. Cowan says, "When robbing has commenced, place a piece of window glass (a camera plate made transparent by soaking in washing soda does nicely) in front of the door of the hive that is being robbed, the top resting against the hive, and the lower end about $1\frac{1}{4}$ inches from the entrance, on the alighting board, to allow the bees to go in and out at the sides. The robber bees going straight at the entrance are stopped by the glass, which can be removed after a few days." An armful of wet grass loosely piled against the hive front answers very well, and if the worst comes to the worst give the hive a fresh coat of paint and watch results!

XXVII.—THE WAX-MOTH.

In tropical countries one of the bee's worst enemies is the caterpillar of the wax-moth, the greatest enemy of all, according to Mr. Root, with the exception of the ignorant bee-keeper! It is a summer pest, but as the grubs live for a long time in a dormant state one must always be on the alert for them, especially in the dry season, when the bees clustering closer tend to leave the outside frames exposed. As a rule the bees are as powerless against these grubs as against the ants, and only those who have seen it with their own eyes can realise the ruin they can bring upon a hive. The wax-moth is of a whitish-grey colour, very shadowy and inconspicuous, a little larger than the moth so destructive to furs. There are several varieties; one is much larger and pure white. The moth, anxious for its young, places them where they will find an abundant food supply, and attracted doubtless by the strong scent of the comb or pollen flies in at the entrance and lays its eggs within the hive. The tiny egg shells burst and little yellow grubs crawl out into a land veritably flowing with milk and honey. On brood and pollen and wax they feast and fatten. The greed of the caterpillars on our cabbages, consuming twice their own weight in twenty-four hours, the devouring hunger of the "voetgangers" themselves, pale before the voracity of these moth grubs! Satisfied at last they weave their silken coverlets and rest, safe within the shelter of their white cocoons their bodies are undone, transformed, rebuilt, wings bud, and finally they, in turn, emerge as perfect moths. But meantime what havoc to our combs, what trouble to our

bees. Powerless against the active grubs they are helpless, fog-bound prisoners now within these silken galleries that fill their hive.

Such a state of affairs is the outcome of neglect, and fortunately is within the power of the bee-keeper to prevent. It is quite easy to tell when a hive is affected. If the frames, when held up to the light, show long lines like silver snail-tracks, the moth is present, for these lines are not on the surface only, but right into the heart of the comb. A hive like this should have constant attention for a time, bottom board carefully cleaned and frames handled frequently. If the hive is discovered to be badly affected the bees should be transferred, the old hive cleaned and painted, inside as well as outside, and the frames treated.

The best treatment I know of is to burn them straight away. Mr. Danzenbaker says frames may be cleansed by shutting them up in tight boxes and smoking thoroughly with a bee-smoker in which some sulphur has been powdered. Another treatment described in the *American Bee Journal* is to fill a small oil-can with gasoline and squirt the cells full wherever there is the least suspicion of a moth grub. The grubs are killed, the combs uninjured, and the bees make no objection to the combs when returned. (The paragraph closes with a warning that gasoline is inflammable and should not be used anywhere near a fire.)

I once bought a neglected hive, when I knew little about bees and less about bee-moths, and instead of transferring the bees to a clean hive and burning the combs as I would do now, I renewed the frames one by one. The bees worked with all their might, had regular spring cleanings, cleaning out the debris of crumbled down comb, but all in vain. I struggled and struggled, cleaned and cleaned, and had almost given up in despair, when one fine day the bees woke up to the cause of all the mischief, and to my delight I found them expelling the grubs from the hive, consequently I never had any further trouble with that colony.

Prevention with regard to the wax-moth, as with many other things, is a thousand times better than cure. This means: (1) Absolute cleanliness inside and around the hives, no pieces of comb left lying about to breed the moth, and all surplus wax stored with naphthaline in an air-tight box. (2) Regular attention and constant watching to see that all frames are covered with bees, and the destruction of very old combs, as the queen always prefers the newest, cleanest combs in which to lay. (3) For winter as for summer all colonies to be kept as strong in bees as possible, for strong colonies will best withstand cold winds, a full hive ensuring warmth; ants, weak colonies always suffer most from ants; robber bees, which are wary of entering a colony which has once successfully expelled them; and, lastly, the wax-moth, for strong colonies will have all frames covered with bees and a strong force of sentries posted at the entrance.

XXVIII.—GOLDEN GAINS.

In concluding these seasonal notes I must pay off a long standing debt to my bees. I have sung their praises as workers, builders, and skilled craftsmen. I have told of their work in gathering honey, and collecting pollen, and of their wonderful honey-harvests. But there is another product of which I have not yet written. I begin to be doubtful if honey is the main product after all. In fact, I am inclined to place honey as a by-product and express the main product in the one word *Happiness*.

A modern writer says with regard to human friendship "it is all a question of addition and subtraction, we add the good qualities subtract the bad, and keep what is left." It is the same in the case of the bees—we add the pleasures and the profit, subtract the disappointments and the toil and take the result—a result which is infinitely more than so many bottles of honey, dozens of sections or pounds of bees wax.

Natal Tree Planting Competitions.

SOME INTERESTING CORRESPONDENCE.

WE have received the following letter and enclosures from Mr. Duncan M. Eadie, the Secretary of the Natal Agricultural Union (Box 512, Durban):—

TO THE EDITOR OF THE "AGRICULTURAL JOURNAL."

Sir,—I have pleasure in forwarding for favour of publication correspondence in relation to the first tree-planting competition inaugurated in Natal in 1903. Mr. Maurice Evans in that year, through the Agricultural Union, offered prizes of £50 (divided into three prizes of £30, £15, and £5) for each electoral division except Alfred, Alexandra, Eshowe, and Melmoth, which were offered prizes of £25 (divided into three prizes of £25, £7 10s., and £2 10s.) for all planted areas of 10 acres, the minimum extent of any plantation counting towards the area to be 5 acres. There was only one entrant for the competition, Mr. A. Seinders, of Kelvin, Glen Isla. Planting was to take place between January and December, 1905, and judging was to occur before the annual meeting of the Agricultural Union in 1910.

This competition has now ended, and I forward the correspondence because the committee of the Union believes it will interest and assist many prospective tree-planters.

Last year another and more successful endeavour was made to establish a tree-planting competition, and the results of the attempt have been so promising that Government has assigned a sum of £1,000 as prizes for this and following competitions. In all eighteen persons representing 31 five-acre plots have entered the competition, which commenced at the end of March. Judging for this takes place in 1915. The committee regard this entry as excellent. Arrangements have been now made for the 1911 competition. The conditions are practically similar to those of last competition. Entries will close on April 1st, 1911.

To anyone thinking of entering the competition, I will be glad to give all available information.—Yours, etc.,

DUNCAN M. EADIE,

Secretary.

I.

Letter from Mr. Maurice Evans to President, Natal Agricultural Union.

Dear Sir,—In the year 1903 I offered through the Natal Agricultural Union a number of prizes for tree-planting. Natal was divided into 13 districts, and to each district three prizes were offered, a 1st of £30, a 2nd of £15, and a 3rd of £5.

The trees were to be planted in 1904-5 and judged during the present year 1910. The only entry received was one from Mr. A. Selanders, of Glen Isla, Weenen County. It seemed to me desirable that I should see his trees, and afterwards, if I thought it necessary, appoint through your Union a judge or judges to examine them. The result of my visit was quite satisfactory. I feel that Mr. Selanders was fully entitled to a first prize, and I have consequently sent him a cheque for thirty pounds. I was very pleased indeed with what I saw at Kelvin. Mr. Selanders has put in good work which ought to be of value beyond his district. He had to fight difficulties but persisted and has some good plantations now practically secure against further disaster. He has as far as possible kept the different species distinct, a most important point, and I noted their growth, hardihood, and value as timber. All this is what I hoped for when I offered the prizes, one of the objects being that in different parts of Natal men would be planting experimental plantations and the results would be available to those who might follow them in this work of afforestation.

I therefore asked Mr. Selanders for a report, and he has sent me the accompanying statement, which should have considerable value for those who intend planting in any part of the Colony having similar natural and climatic conditions. My offer did not call forth much response—the economic and other conditions of Natal were abnormal in 1903.

Your Union has again, I understand, offered inducements, and many entries have been received. This I am extremely glad to note as, in my opinion, no more important work can be undertaken in Natal than the judicious afforestation of our land.

Might I suggest that it is a condition that those who win prizes shall furnish reports of their experience, failures as well as successes, for the benefit of their fellow Colonists, as has been done by Mr. Sclanders.—Yours, etc.,

MAURICE EVANS.

Hill Crest, Berea,
Durban.

II

*Letter from Mr. Andrew Sclanders to Mr. Maurice Evans.
(Enclosure to foregoing.)*

Dear Sir,—In view of the handsome prizes you so munificently offered for the best plantations of trees in the different counties of the Colony, I planted for best plantation in Weenen County 31,680 4,810 acres in 1904, and 73/1,130/4,840 acres in 1905, with what I thought best kinds of timber trees.

Concerning the different kinds I planted, their growth, and the conditions of soil and climate, I beg to report as follows:—

The trees were planted during January, February and March of 1904 and 1905. The altitude is about 4,000 feet, and the soil the deep, red soil so common in most parts of Natal formed by the decomposition of whinstone. This soil is too poor to grow crops without manure, but as the soil is deep and porous trees of all kinds grow remarkably well. The following is a list of the trees I planted and my experience of their growth, etc.:—

Amygdalina is the hardiest, the quickest growing, and the largest, of all gums. It stands frost well. The leaves contain a larger percentage of eucalyptus oil than any other tree. The wood is tough, straight grained, suitable for wagon builders, etc. This is a kind which can be planted where the situation is cold and bleak and a break wind is required.

E. siderophloia (the broad-leaved iron bark) is rather tender to frost and should be planted in the best sheltered spots. It is much slower growing than *amygdalina*, but it is a fine timber tree, growing with a beautiful straight stem with very few lower branches. The timber is very strong and durable and is suitable for disselbooms and other parts of wagons, beams and rafters in buildings and for any purpose where strength and durability are required. This is one of the best timber

trees grown. It is considered one of the strongest and most durable timbers of New South Wales.

E. paniculata (grey iron bark).—This kind is also susceptible to frost and should be planted in the most sheltered spots, but is not quite so tender as *siderophloia*. Like *siderophloia* is comparatively slow growing and is a fine timber tree, growing with beautiful straight stem with few lower branches. It furnishes a hard, durable wood, suitable for sleepers, wagon building, beams and rafters, etc., and for any purpose where strength and durability are required.

E. crebra (narrow leaved iron bark).—This is another valuable timber tree; comparatively slow growing and a little tender to frost, but has a beautiful straight stem with a few lower branches. The timber is strong and durable and suitable for sleepers, wagon work and beams in building, etc.

E. sideroxyylon (red iron bark).—This is the most hardy of all the iron barks, grows with a fine straight stem and few lower branches. This and the three aforementioned iron barks (*E. siderophloia*, *E. paniculata*, and *E. crebra*) are considered the best of New South Wales hardwood, and, in fact, are not excelled in any part of Australia for combined strength and durability. Col. Wales, who is an authority on eucalyptus trees, considers *E. sideroxyylon* one of the most valuable timbers to grow. Its timber, which is red, is of the highest quality and durability, and is well known in Natal.

E. leucoxyylon is a fine hardy tree, easily grown, and has a nice straight stem with few lower branches. The timber, which is hard and durable, is suitable for railway sleepers, wagon and mining work.

E. tereticornis.—This tree is a very hardy tree, and is considered one of the most valuable trees grown in Victoria. The timber is very heavy, strong and durable.

E. rostrata (red gum).—This is one of the hardest of all the gums, and seems to thrive all over the Colony and in many parts of the O.R.C. It is fairly quick growing, but is inclined to grow crooked, and on this account should be planted close to induce a straight stem. The timber, which is strong and durable, is suitable for fencing, railway sleepers, wagon work, etc., and, being dark in colour, resembles mahogany, and is adapted for furniture.

E. oblique (Tasmanian stringy bark).—This is a very hardy, quick growing tree with tall, straight stem. The wood splits easily and is suitable for mine props, rafters, etc. Makes inferior fuel but good charcoal.

E. hemiphloia (grey box).—This is a tall tree of fairly quick growth and is hardy and well known in most parts of Natal. In Victoria it is valued for railway sleepers, piles, girders and wagon-builders'

work. Messrs. Merryweather & Sons, wagon-builders in Pietermaritzburg, who have tried the timber, state it is a splendid, useful timber.

Pinus pinaster (cluster pine).—Mr. T. R. Sim considers this the hardiest and easiest tree to grow in Natal. It can be sown broadcast like wattles and will thrive where a wattle will fail. At Cedara and in the Cape Colony large tracts have been planted broadcast with good results. The tree is fairly quick growing, and has valuable timber, which is soft and easily worked and when creosoted becomes durable for sleepers. It is a native of France and Southern Europe and is largely used for the production of turpentine.

Pinus halepensis (the aleppo pine) is slower growing than *P. pinaster* but equally hardy and like it can be planted broadcast. The timber is similar to *P. pinaster* but more knotty.

Pinus longifolia (the cheer pine) is a fine, handsome tree, a native of the Himalyas. It is fairly hardy and grows fairly quick. The timber is soft and suitable for boxes and other purposes where pine wood is used. The tree yields turpentine.

Cupressus sempervirens (the common cypress).—This is a fine hardy tree and grows well all over Natal. It occurs in two very distinct forms, viz., *C. horizontalis* and *C. pyramidalis*. *C. horizontalis* is a spreading tree growing 100 feet high. The timber is fragrant and durable, and in old buildings in Italy is known to have lasted hundreds of years without decay.

Cupressus pendula glauca is a beautiful ornamental tree and grows well nearly all over Natal. It is quicker growing and makes a good break wind. The timber is useful for furniture and carpentry.

C. macrocarpa (Monterey cypress).—A large tree of quick growth and spreading habit. It is a native of California and does well in Natal. One of the best trees to form a breakwind.

Cedrus deodara (the Indian cedar) is a magnificent tree, hardy and of quick growth. It is a native of the Himalyas and grows well nearly all over Natal. It attains a height of 150 to 200 feet and has very useful and durable timber. This tree should be planted very extensively in Natal.

Juniperus virginiana (red cedar).—This is a beautiful tree, very hardy, and does well all over Natal. The timber, which is fragrant and durable, is used for fencing posts, furniture, and in the manufacture of pencils. Mr. T. R. Sim considers this one of the safest trees to plant in Natal. It grows in any kind of soil at any latitude, and even on shallow shales. It is not rapid in growth and not a large tree, but it never fails.

Acer heugundo (box elder) is a nice ornamental tree, but rather too slow growing. Should be planted in deep, moist alluvial soil.

Robina psuedacacia (white acacia) is an ornamental tree with white scented flowers. The timber is durable and suitable for posts. It is rather slow growing in the early stages.

Quercus robur (common ash).—This well known tree grows well nearly all over Natal. It thrives best on a deep, alluvial, moist soil. As the tree is of a spreading nature it should be planted close to induce a straight stem.

Auricaria Bidwillii (the bunya-bunya of Queensland) is another beautiful and hardy ornamental plant. It attains a height of 250 feet; the timber is fine grained and durable and makes good furniture.

Auricaria Brazilensis.—This is the hardest and quickest growing of all the auricarias. It is a beautiful tree and stands frost well. In Brazil, its native country, it grows to 180 feet. The timber is used for boards, spars, etc.

Auricaria Cunninghamii (the Moreton Bay pine) is another beautiful *auricaria*, *auricaria*, but very tender to frost, and should be planted in warm, sheltered situations. Grows well on the Coast and midlands. In Queensland it attains a height of 150 feet. The timber is useful for flooring and house carpentry.

Arancaria Cookii is a most beautiful tree, but too tender to grow where the frosts are severe.—I remain, yours, etc.,

ANDREW SCLANDERS.

The pig-keeper who makes the most profit is he who keeps his pigs growing from start to finish.

Disinfect your swine pens with fresh air-slaked lime. You can prevent disease by doing this thoroughly.

A hog likes nothing better than roosting in a patch of artichokes, and when a hog is happy he is growing fat.

In terms of Regulation No. 2 (a), made under Ordinance No. 4, 1853, and published under Proclamation No. 58, 1903, the Crown Forest known as the Gala Forest, having been demarcated, has been declared to be Demarcated Forest within the meaning of the Regulations. Plan of this forest is now lying in the Office of the Director, Division of Agriculture and Forestry, particulars of which are as follows:—Bounded north by Lots FP 232 and FP 275, east by Lot S 99, south by Lot S 89, and west by Location No. 1 in the Magisterial Division of Ixopo.

Maize Judging.

By R. A. MOORE.

*Of the Agricultural Experiment Station, Madison, Wisconsin.**

EDITORIAL NOTE.—For “corn,” in the following article, read “maize,” “corn” being the American name for the grain.

THE judging of corn gives the farmer the best opportunity for a fair estimation of the value of an ear of corn. For many years the score card has been used in judging live stock, butter and cheese, but not until recently has it come into general use as an aid in judging corn and other grains. It is not claimed that scoring grains is a definite science, but it seems to be the best means now known to get a fair valuation of the different cereals. By making a careful study of the different divisions under which corn is judged one soon becomes proficient along that line and is enabled to select good seed corn or judge satisfactorily in corn contests. In money value corn exceeds all other grains combined in the United States, and in Wisconsin it is one of the three leading crops, being exceeded in value only by oats and hay.

JUDGING THE BASIS OF CORN IMPROVEMENT.

Corn may easily be improved by the farmer in two ways: by the selection of the best ears for seed from the best stalks in the field, or by selecting the best ears from the best row in a field, each row of which has been planted with seed from a single ear. The selection of seed is a simple method of corn improvement and can be practised by any farmer. The breeding of corn is more difficult and can be done best by the scientific farmer or the agricultural experiment station.

To improve corn by seed selection or breeding it is necessary to know what kind of ears to choose for seed. To do this carefully a list of the most important points has been prepared, for consideration when selecting the best ears, on a sheet known as a score card. Each ear is examined and compared with the points for a perfect ear, which is considered the standard. The Wisconsin corn card has been prepared for a perfect ear of dent corn of any variety, with reference to Wisconsin conditions.

Before corn can be accurately judged, the one who scores the corn must have an ideal in mind which represents the perfect ear. By examination of good specimens of corn, this ideal can be readily fixed in

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the mind, and in judging other ears, the degree in which they fail to equal the ideal can be readily indicated on the score card. In order to best understand the various points of the score card, they must be studied separately, in the proper order, as presented in the following pages.

A sample of corn for judging or exhibition should consist of ten ears of any variety. This number furnishes an easy basis of calculation on the percentages of various defects.

WISCONSIN OFFICIAL CORN SCORE CARD.

| | | |
|----|---|-----|
| 1 | Trueness to Type or Breed Characteristics | 10 |
| 2 | Shape of Ear | 10 |
| 3 | Colour: a. Grain | 5 |
| | b. Cob | 5 |
| 4 | Market Condition | 10 |
| 5 | Tips | 5 |
| 6 | Butts | 5 |
| 7 | Kernels: a. Uniformity of | 10 |
| | b. Shape of | 5 |
| 8 | Length of Ear | 10 |
| 9 | Circumference of Ear | 5 |
| 10 | Space: a. Furrow between rows | 5 |
| | b. Space between kernels at cob | 5 |
| 11 | Percentage of Corn | 10 |
| | Total | 100 |

1.—TRUENESS TO TYPE OR BREED.

PERFECT SCORE: The corn should conform to the standard for the type and breed in form of kernel, shape of ear, indentation and colour of grain, perfect, 10 points.

DIRECTIONS FOR JUDGING: The first point in judging a sample of corn is to determine its trueness to the type or breed characteristics. There are breeds of corn, like breeds of cattle, which have peculiar colours of forms which distinguish them; as for instance, the Silver King is a white variety and the Golden Glow a yellow variety. It is difficult to distinguish between breeds of the same colour, but this may be learned by experience in handling corn of different breeds. In pure corn of any breed there are certain marks which can be easily recognised.

RULE FOR SCORING: Deduct one-half point for each ear which differs seriously from the type.

2.—SHAPE OF EAR.

PERFECT SCORE: The ideal ear is cylindrical, conforming to the standard for the variety and not crooked or too tapering, perfect, 10 points.

DIRECTIONS FOR JUDGING: It is as difficult to find an ear of corn perfect in shape as it is to find cows, horses and sheep with perfect forms. The shape of ears of the different varieties of corn differ as widely as the shape and form of the different pure breeds of cattle. Each class and variety has a characteristic shape peculiar to itself. For example, Silver King corn has an ear of medium length, large in circum-

ference, while the Golden Glow has an ear considerably shorter and finer in cob and general conformation.

The most desirably shaped ear is cylindrical from butt to tip. Where ears are inclined to taper, it will be noticed that two or four rows, as a rule, are dropped near the middle of the ear. In scoring corn, take into consideration the soil and climatic conditions in which the corn is grown. The shape of a desirable ear for Central Illinois would differ in many respects from the shape most desirable for Wisconsin. The shorter growing season in Wisconsin demands a shallower kernel and a smaller ear to enable the corn to mature in a short season.

RULE FOR SCORING. No set rule can be given as to the exact number of points to be cut on account of defects in shape. In general, cut one point for each poorly shaped ear.

3.—COLOUR OF GRAIN AND COB.

PERFECT SCORE: *The colour of the grain* should be uniform and true to the colour standard for the variety, free from missing or discoloured kernels, perfect, 5 points.

The colour of the cob should be a bright cherry red for yellow corn and pure white for white corn, perfect, 5 points.

DIRECTIONS FOR JUDGING: The colour of the corn varies with the breed. The Silver King corn has a cream colour, while the Boone County White has a pearly white colour. Where these shades predominate they become characteristic of the breeds. Yellow breeds vary slightly in colour from a pale yellow to a deep orange, and can only be known by a thorough acquaintance.

As cobs vary from the standard, a cut should be made by the scorer. A bright cherry red denotes health and vigour in corn and a pale or dark red cob denotes lack of constitution or vitality. The white corn cobs should be a glistening white and not a dead pale colour.

Some farmers prefer to grow corn of certain colours. From tests made by readers of corn, and by experiment stations, it has been found that in general, colour makes no difference as far as feeding value is concerned, and it is merely a matter of taste to the grower as to the colour of corn he desires.

White or yellow corn through careful breeding of one variety and neglect of the other would soon show a marked difference in regard to yield and quality in favour of the variety to which best attention had been given, regardless of colour. Like the breeder of live stock, the corn grower should select that breed of corn which suits his taste best, keeping in mind that the quantity and quality and marketable corn per acre are the essential characteristics sought for.

RULE FOR SCORING: For each mixed kernel a cut of one-tenth point should be made. Kernels missing from the ear are counted as mixed.

Difference in shade or colour, as light or dark red, white or cream colour, must be scored according to variety characteristics. A red cob in white corn, or a white cob in yellow corn, should be cut five points.

4.—MARKET CONDITION.

PERFECT SCORE: Corn should be ripe, sound, free from injuries or disease and bright in colour, perfect, 10 points.

DIRECTION FOR JUDGING: By market condition we mean general excellence and the degree of ripeness or maturity. Corn that shows a tendency to be loose on the cob with wide spaces between the kernels should be scored off severely under market condition. Where market condition is perfect or nearly so the kernels are firm on the cob and the ear gives a resping sound when twisted; the kernels fit closely together upon the cob and in the row.

When corn is scored from the feeder's standpoint it is not cut so severely as from the grower's or seedsman's standpoint. When we consider that a bushel of corn plants about six acres and the importance to be attached to uniformity of stand we see the value of considering the market condition from the grower's standpoint in a critical way.

No one head under which corn is judged is so important to Wisconsin farmers as market condition, and all farmers should be able to judge corn for the perfection of that characteristic. The utmost importance is attached to market condition in carrying on trial tests, as a variety of corn is of little value to a community or division of the State, if it does not properly mature within the growing season.

Corn will gradually become accustomed to its surroundings and will adjust itself to varying conditions of soil and climate. By selecting those ears for seed that show good market condition, even if there be but a few in the entire field, the earliness of the corn can be improved materially.

RULE FOR SCORING: Cut one point for every diseased, chaffy, injured or immature ear.

5.—TIPS AND BUDS.

PERFECT SCORE: *Tips.* The kernels should extend over the tip in regular rows, and be uniform in size and shape, perfect, 5 points.

Butts. The kernels should extend over the butt in regular rows and be well developed and uniform, perfect, 5 points.

DIRECTIONS FOR JUDGING: A perfect tip has a central kernel called the cap, which is completely surrounded with uniform kernels. A perfect tip is rarely found, but those which come nearest to the ideal should be chosen, providing it is not at the expense of other more important factors. The tip kernels are likely to be flinty and of a pop corn shape, which is undesirable in dent corn. If bare tips are noticeable to quite

an extent throughout the field, it may be due to the fact that the silks representing the tip kernels which were formed last were too late to receive the pollen to fertilise them. If ears having defective tips are used for seed, their undesirable characters will soon become permanent. Open tips usually accompany shallow and irregular kernels on the ear which makes the kernels on that part of the ear undesirable for planting, on account of lack of uniformity.

In judging the character of the butt of an ear of corn, the way in which the rows come over towards the shank is important. If the corn comes in too close, the ears may drop off the stalk during the ripening period and not fully mature. All ears which have butts improperly filled should be rejected. Corn breeders in desiring to get a large proportion of corn to the cob, often choose ears with too small an attachment for the shank. The butt and the tip kernels are rejected for planting, because they are more likely to be mixed with other varieties, and, owing to their peculiar round formation, they are not uniform, and interfere in the planting. They also seem weaker in germination and are more tardy in growth than kernels from the middle parts of the ear.

RULE FOR SCORING: The tips and butts that do not meet the standard should be scored off quite severely. Where on inch of cob is exposed at the tip a cut of one point should be made. Regularity of rows near the tip and the shape and size of the kernel must also be considered. If the kernels on the butt are uniform in size and extend around it in regular order, give a full score. Cut in proportion as the grain is small or compressed.

6.—THE KERNEL.

PERFECT SCORE: *Uniformity.* The kernels should be alike in size, shape and colour, perfect, 10 points.

Shape: Kernels should be of perfect wedge shape, narrower or wider at the point, according to the variety characteristics, perfect, 5 points.

DIRECTIONS FOR JUDGING: Kernels should be uniform in shape, size and colour and true to the type or variety. The crown or big end of the kernel should be such that the edges of the kernels slope from tip to crown. The tip of the kernel, which is the part attached to the cob and contains the germ is rich in protein and oil and of the highest feeding value. For this reason a plump tip usually indicates vitality.

The kernels on the cob may be irregular, being deeper at the butt than at the tip. This makes the kernels non-uniform in size and renders the corn almost wholly unfit for seed. No machine will plant kernels of this type so as to get a uniform stand.

Kernels with weak or shrivelled tips should be discarded, no matter how well the outside of the ear may look. At least 85 per cent. of the oil in the kernel is in the germ, hence corn with well formed germs is

desirable. Tests by the Illinois Experiment Station show that the oil in corn may vary from $2\frac{1}{2}$ to $7\frac{1}{2}$ per cent., and protein from $6\frac{1}{2}$ to 16 per cent. If seed corn contains a large amount of protein and oil the crop grown from this seed will be high in these desirable features.

RULE FOR SCORING: Cut one point for each set of kernels which are not uniform. Cut one-half point for each set of kernels which are shrivelled or poorly formed.

7.—LENGTH AND CIRCUMFERENCE OF EAR.

PERFECT SCORE. *Length:* The ear should be up to the standard for the section where the corn is grown, perfect, 10 points.

Circumference: Should be up to the standard for the section, perfect, 5 points.

DIRECTIONS FOR JUDGING: Standard measurements for corn produced in northern, middle and southern Wisconsin, are as follows: Length, northern section 8 to 9 inches, central $8\frac{1}{4}$ to $9\frac{1}{4}$ inches, southern $8\frac{1}{2}$ to $9\frac{1}{2}$ inches. Long ears are objectionable because they usually have poor butts and tips, shallow kernels and hence a low per cent. of grain to the ear. In general the circumference should be three-fourths the length. The standards for various sections in Wisconsin are: Northern 6 to $6\frac{1}{2}$ inches, central $6\frac{1}{2}$ to 7 inches, southern 7 to $7\frac{1}{2}$ inches.

The chief reason for distinct measurements is to secure uniformity and compactness in ears. In scoring one must not accept ears that are out of the natural proportion, but must be governed by some uniform standard. The time will arrive in Wisconsin, as it has in some of the older corn-breeding States, when each distinct variety of corn will have its respective measurements as to length and circumference.

RULE FOR SCORING: Add the deficiency and excess in inches of all ears not conforming to the standard and for every inch thus obtained cut one point. Likewise add the deficiency and excess in circumference in inches of all ears not like the standard and cut one-half point for every inch thus obtained.

8.—SPACES BETWEEN ROWS AND KERNELS.

PERFECT SCORE: *Furrows between rows,* should be straight with uniform space between kernels at the crown, perfect, 5 points.

Space between Kernels: No space should be noticeable at the tips near where they are attached to the cob, perfect, 5 points.

DIRECTIONS FOR JUDGING: Straight rows are the most desirable as they give a uniform appearance to the ear and admit of the kernels being placed in a more exact position. The kernels on ears with spiral rows are irregular as to depth, width, and shape of kernel and consequently are not wanted. From corn-breeding experiments at several experiment stations it has been determined that irregularities are transmitted by the mother ear to the progeny, therefore if one desires to make

the most rapid advancement in breeding to a highly developed type we should select only the ears regular in all characteristics.

The furrow or groove should not descend to any great depth, but merely mark the dividing line between the kernels from butt to tip. Where the furrow is deep, thereby exposing a large portion of the surface of the kernel, it indicates that the corn is badly off in type.

The space between kernels at the cob indicates the maturity to quite an extent, the kernel tip in immature corn is shrivelled, and therefore leaves a space readily detected. In well matured corn no noticeable space will be found, but the kernels will fit tightly together from tip to crown. Abundant space between kernels near the cob is an indication of immaturity, and lack of vitality.

RULE FOR SCORING: Cut one-fourth point for $1/32$ to $1/16$ inch furrows and cut one-half point for $1/16$ inch and above. Cut one-half point for each ear showing space between kernels at the cob.

9.—PERCENTAGE OF GRAIN TO COB.

PERFECT SCORE: The percentage of grain should equal the standard for the variety, perfect, 10 points.

Good, well-matured corn should show a ratio of from 85 to 87 per cent. grain to cob. In other words, if we were to shell 100 pounds of ear corn we would get approximately 85 pounds of kernels and 15 pounds of cobs. The tendency with some corn growers is to look for a small cob, thinking that feature of corn to be the leading desirable characteristic. In many instances the selection of small cobs has been practised to such an extent that the yield of grain has been materially reduced.

One should choose a medium-sized cob that will carry from 16 to 20 rows of kernels of medium depth; if the size of the cob is reduced the ear simply drops its rows by pairs until we have but 10 or 12 rows remaining. If, on the other hand, the cob is too small and the grower has been working for high percentage of grain to cob, the kernels are apt to be of too great depth to mature well in Wisconsin climate. Immature and chaffy corn gives a relative low percentage of grain to cob compared with well-ripened corn.

When judging corn for percentage of grain to cob weigh five ears of the sample and record the total weight. Then shell and weigh the grain and record the weight. Divide the number representing the weight of the shelled grain by the number representing the weight of the ears, and the result will be the percentage of grain to cob.

RULE FOR SCORING: Cut one point for each per cent. short of the standard weight for the variety.

BLANK SCORE CARD FOR PRACTICE JUDGING.

The following blank score cards are added for practice in corn judging. The points should be considered in the order given in the preceding pages. Three samples may be scored on each card. In the blank columns write the number of points given the exhibit of 10 ears after subtracting the number of points cut according to the rules for scoring.

| | 1 | 2 | 3 |
|---|-----|---|---|
| 1 Trueness to Type or Breed Characteristics | 10 | | |
| 2 Shape of Ear | 10 | | |
| 3 Colour: a. Grain | 5 | | |
| b. Cob | 5 | | |
| 4 Market Condition | 10 | | |
| 5 Tips | 5 | | |
| 6 Butts | 5 | | |
| 7 Kernels: a. Uniformity of | 10 | | |
| b. Shape of | 5 | | |
| 8 Length of Ear | 10 | | |
| 9 Circumference of Ear | 5 | | |
| 10 Space: a. Furrow between rows | 5 | | |
| b. Space between kernels at cob | 5 | | |
| 11 Percentage of Corn | 10 | | |
| Total | 100 | | |
| Name | | | |
| Sample No. | | | |
| Remarks | | | |

The Position of East Coast Fever.

OUTBREAKS DURING MAY AND JUNE.

THE Chief of the Veterinary Division (Mr. W. M. Power) furnishes the following list of outbreaks of East Coast Fever that have occurred during the period 20th May to 20th June:—

Dundee Division.—Outbreaks on the farms “Fels” (sub-division of “Burnside”) west of main line, “Kelvin Grove No. 2,” west of main line and north of Dundee-Vryheid line, “Renier,” west of main line, “Dumain,” east of main line, “Ruitgefontein,” west of main line, “Balgray,” west of main line and north of Dundee-Vryheid, “Dondola,” west of main line and north of Dundee-Vryheid.

Weenen Division.—Outbreak on the farm “Uitzien,” shown on map as “Albert.”

Alexandra Division.—Outbreak on the farm “Bally Glass.”

Utrecht Division.—Outbreaks on the farms “Moorhoek,” “Vryhila,” “Grootvlei.”

Camperdown Division.—Outbreaks on the farms “Beechwood” (sub-division of “Stiremfontein”), “Glen Islay” (sub-division of “Leeuw Poort”), “Doorn Kloof,” “Letheringham.”

Richmond Division.—Outbreaks on the farms, "Hill Top," "Lily Dell," "Best View," "Hlangollen," "Howard Hill," "Commissie Drift."

Estcourt Division.—Outbreaks on the farms "Willowford" (sub-division of "Welgen's Spruit"), west of the main line, "Hattingsvlakte," west of the main line, "Heavitree," shown on map as "Eden," east of main line, "Sanham" (sub-division of "Wagens' Drift," west of main line).

Alfred Division.—Outbreaks on the farms "Rudolphfontein" (sub-division of "Spitzkop"), "Broadmoor" (sub-division of "Kleinwaterfall").

New Hanover Division.—Outbreaks on the farms "Rudolphfontein" (sub-division of Spitzkop), "Broadmoor" (sub-division of "Kleinwaterfall").

Umvoti Division.—Outbreaks on the farms "Chard," "Schoonzicht," "Angakatale," "Mispa," "Harum" (sub-division of "Welgegund"), "Groot Reit Vlei," "Aangelegen," "Benvie."

Impendhle Division.—Outbreaks on the farms J. Harper, "F. P. 21," "Location," "Commonage," "The Glen."

Ladysmith Division.—Outbreaks on the farms "Burford," west of main line, "Boschberg," west of main line, "Nooitgedacht," west of main line, "Marlborough Downs," west of main line, "Meyer's Rest," west of main line, "Waters Meet," west of main line.

Lion's River Division.—Outbreaks on the farms "Shafton House," east of main line, "Adamshurst," west of main line.

Isopo Division.—Outbreaks on the farms "Norwood," "Helvetia," "Sunrise," "2 A of 2," "Murchison," "Rockcliffe," piece of land between "The Glade and D. Y.," "Gurtnakalen," "S. 41," "S. 24."

No record is kept of outbreaks in the following Magisterial Divisions:—The whole of the Province of Zululand, the whole of the Victoria County, Vryheid, Ngotshe, Babanango, Paulpietersburg, and Umsinga.

Give the swine abundant pure water aside from their swill. Liquid food like milk and whey does not always fully appease thirst.

A show American jackass should be black, with white markings, 15 h. 2 in. to 16 hands, standard measure, and weigh from 950 to 1,200 lbs.

To preserve health and improve external appearance of horses, nothing excels giving a handful of ground flax seed twice a day in ground feed.

Science and the Farmer.

NOTES OF INTEREST BY FARMING EXPERTS.

THE use of green manures in semiarid regions is as a rule impracticable, as with insufficient moisture vegetable matter decays very slowly. The soil is thus filled with air spaces and loses much more water by evaporation.—C. V. PIPER, *Agrostologist in Charge of Forage Crop Investigations, U.S. Bureau of Plant Industry.*

The American standard of excellence gives the following scale of points for turkeys, by which judges determine the qualifications of exhibition birds: Symmetry 10, weight 30, condition 10, head 5, wattle 5, neck 5, back 7, breast and body 10, wings 8, tail 5, legs 5, total 100.—HERBERT MYRICK (*"Turkeys and How to Grow Them."*).

COOLING IN INCUBATION.

Regular cooling is not a necessary condition to secure good hatchies, provided the incubator is ventilated on a correct principle. There must be neither too much ventilation nor too little as the former will chill and kill the germs, and the latter will suffocate them. Far more chicks are killed by too much of this cooling process than by too little.—J. H. STUTCLIFFE (*"Artificial Incubation and its Laws"*).

FEEDING POULTRY.

The problem of feeding is one of great importance, and should be carefully considered, for on it depends to a large extent not only the general health of the birds, but also the economy which promotes success. It is a subject, however, which should be studied with a large amount of common sense, for there are no hard and fast rules which can be laid down as applying to every case. The price of feeds and the general environment should be considered in determining the right rations.—G. ARTHUR BELL, *Assistant Animal Husbandman, U.S. Bureau of Animal Industry.*

MEALIE ENSILAGE.

A few years ago it was thought necessary to ensilage corn [maize] in an immature state in order to have it keep. This made a sour silage with a strong pungent odour. The consensus of opinion now favours letting the corn go until the grain is fully matured. In ordinary seasons there is a period, lasting but a few days, in which the corn ears are ripe

and the leaves and stalks are green. This is the ideal time for putting it in the silo. If the corn is allowed to mature beyond this stage, water should be added to the cut material at filling time to prevent "fire fanging" of the silage.—LEYMAN PARRIER, *Scientific Assistant, Farm Management Investigations, U.S. Bureau of Plant Industry.*

THE CARROT UNDER IRRIGATION.

This crop has been found to thrive exceedingly well under irrigation upon light soils. A succession of crops may be grown throughout the whole summer, and by the use of some active artificial fertiliser, the growth is rapid and remarkably clean and healthy. Upon clay soils this and other deep-rooted crops do not thrive very well and more shallow-rooted crops should be chosen. When irrigated, the carrots cultivated in rows upon the flat, the water being lead to the plants in channels made by the hoe in the intervals between the rows. It is very common in garden culture to plant carrots for late crop in rows between other and earlier ones, by which the tender young plants are shaded and protected from the heat.—HENRY STEWART (*"Irrigation for the Farm, Garden and Orchard"*).

VALUE OF THE SIPHON.

When the source of supply of water is situated below the level of the immediately surrounding grounds, and considerable expense would be entailed by excavation to a sufficient depth to allow a fall in the direction of supply, recourse may be had to a siphon. The summit of the siphon must theoretically not exceed 34 feet above the level of the surface of the water from which the supply is to be drawn; practically about 25 feet is the limit. The siphon may be charged by an air-pump attached to the longer leg, the communication with the main being cut off by means of a sluice-valve; or the extremities of both legs may be closed by means of sluice-valves and the apparatus filled with water through a cock at its summit; the cock is then closed and the sluice-valves opened, when flow immediately commences.—ALLEN GREENWELL, A.M.I.C.E., F.G.S., and W. T. CURRY, A.M.I.C.E., F.G.S. (*"Rural Water Supply"*).

DRYING APPLES.

The time necessary for drying fruits depends upon several factors. The more important are:—Type of evaporator; depth to which fruit is spread; method of preparing—whether sliced, quartered, or whole; temperature maintained; conditions of the weather; and, to a certain extent, the construction of the evaporator. The application of these several factors to the point in question readily follows. A good kiln evaporator should dry a floor of slices, other things being equal, in about twelve

hours, ten to fourteen hours being the range of variation. Where the fruit is handled on racks the time required is much shorter, but conditions are quite different from the kilns as the fruit is seldom more than 1 or 2 inches thick on the racks. For slices, five hours is considered a reasonable time, with a range of four to six hours. It is estimated that quarters will require from eighteen to twenty-four hours in the average kiln, while the time for whole apples will range from thirty-six to forty-eight hours.—H. P. GOULD, *Assistant Pomologist, U.S. Bureau of Plant Industry.*

PLANTING KAFIR CORN.

The quantity of Kafir corn seed to plant to the acre varies according to the method of planting, the use to be made of the crop, and the conditions under which it is grown. When grown in rows for the maximum yield of both fodder and grain, 6 or 8 pounds to the acre in $3\frac{1}{2}$ -foot rows are desirable, although this quantity is frequently reduced to 3 or 4 pounds. Thin planting, however, produces coarse stalks which are not readily eaten by stock and a small number of large heads which yield less grain than the many small ones resulting from thicker seeding. When the stalks are a considerable distance apart, the heads frequently do not grow entirely out of the "boot," or sheath, and the inclosed part of the head rots or fails to mature seed. Where the crop is to be harvested by hand, thin planting is desirable. For hay and pasture it should be much thicker—one half to one bushel seed to the acre in rows or drills, and one to two bushels in broadcast seeding.—C. W. WARBURTON, *Asst. Agriculturist, Farm Management Investigations, Bureau of Plant Industry.*

DEPTH FOR PLANTING BEANS.

The depth at which beans should be planted is determined by the character of the soil, and the season of the year at which they are planted. In heavy, retentive soils, planting should be made comparatively shallow, as the peculiar habit of growth of the bean is such that it cannot readily reach the surface if planted deep in such soils. Upon light soils and early in the season planting can be made quite deep. Three inches is not too deep upon such soils, but $1\frac{1}{2}$ or 2 inches is the maximum depth for planting upon retentive soils. The cowpea is possibly more exacting in regard to the depth of planting than the field bean, the stalk of the young cowpea being more slender and less able to force the seed leaves through any crust of earth that may have formed after planting. All things considered, a satisfactory depth for planting beans is about $1\frac{1}{2}$ inches.—L. C. CORBETT, *Horticulturist in Charge of the Arlington Experiment Farm, U.S. Bureau of Animal Industry.*

Correspondence.

** * * Correspondence is invited on topics of interest to farmers. Letters should be written on one side of the paper only; and while a nom-de-plume may be used, all letters must be accompanied by the name and address of writer. The Editor is not responsible for the opinions of his correspondents: the letters which appear in these pages are published as the opinions of the respective writers, and their insertion does not necessarily imply editorial concurrence with the views expressed.*

ROOT CROPS AND FERTILISERS.

TO THE EDITOR OF THE "AGRICULTURAL JOURNAL."

SIR,—I enclose a photograph of a field of young swedes which may be of interest to you, since it gives a clear demonstration of the futility of planting root crops insufficiently manured.

This field was planted with a machine set to the rate of 350 lbs. to the acre, Salco special Root Fertiliser being the fertiliser used.

The photograph gives a fine contrast between the lines fertilised and a line where the machine jammed.—Yours, etc.,

E. M. T. BURGESS.

Lidgetton.

[We reproduce in this issue the interesting photo referred to.—Ed.]

NATAL FRUIT EXPORT.

TO THE EDITOR OF THE "AGRICULTURAL JOURNAL."

SIR,—Referring to your article in the March issue of your *Journal* dealing with the report by the Commercial Agent on the export of Natal fruit.

We are the South African agents of Messrs. Garcia Jacobs & Co., one of the firms of fruit auctioneers mentioned by the Commercial Agent in his report. We sent a copy of your *Journal* to Messrs. Garcia Jacobs and Co., and we have just received a note from them to the effect that they were very interested to receive a copy of your *Journal* and Mr. Harrison's report. They also write as follows:—

Mr. Harrison's report is to our mind a fair one, and especially his reference to private sales as compared with public sales. We have never denied that for a small quantity of fruit temporary better results may be obtained by private sales, and if it was intended that the business was to be carried on on a small scale only, we should have no comment to

make. We take it that the object of South Africa is to extend the fruit export in a similar way to what has been done in Canada and Australia, and the only means of accomplishing this development is by selling the fruit by auction. We cannot agree with Mr. Harrison's remarks with regard to the possibility for private salesmen to re-rack the goods in the event of their arriving in bad order. If the fruit is in bad condition no re-packing can alter the waste in the fruit, and although temporarily it may appear to be sound after having been re-packed, experience is that within 24 hours after re-packing, the packages are almost as bad as they originally were. Further, the trade will not, unless under exceptional circumstances, purchase re-packed fruit."

We shall feel much obliged if you can find space in your next issue of your *Journal* to publish the foregoing remarks.—Thanking you in anticipation, we remain, etc.,

KARL SCHWARZ & CALDER,

Agents in South Africa for Messrs. Garcia Jacobs & Co.

P.O. Box 330, Durban.

Warmth is half the feed for cows, and remember that foul air does not keep an animal warm.

A temper under control is an invaluable asset to a man employed in handling cows.

If a cow is given all that she will eat up clean twice a day, this will usually be found sufficient.

Milk from a clean udder, milked with clean hands and quickly cooled, keeps pure and sweet for a long time.

It is exceedingly difficult to make good butter where churning is done only once a week, as the cream gets too old and often too sour before churning.

The farmer who gains a livelihood through his milk cows does not care particularly if the udder is ill-shaped and unsightly, so long as the yield of milk is all right.

A half-starved, neglected young animal cannot make so good a cow as the one which is started right and gets good care and plenty of nourishment throughout the entire period.

THE FARMER BOYS' PAGES.

MONTHLY ARTICLES, NOTES AND PARAGRAPHS ON
ELEMENTARY AGRICULTURAL SUBJECTS

FOR

BEGINNERS IN AGRICULTURE AND STUDENTS GENERALLY.

Conducted by "ARATOR."

* * * *Correspondence, whether in the form of notes, comments, or inquiries, is invited from readers, and letters of general interest will be published and replied to in these pages. All communications should be addressed to "ARATOR," C.O. Editor, "Natal Agricultural Journal," Maritzburg.*

Fruit Culture.

SOME CHATS FOR BEGINNERS.—III.

By "POMUS."

WE have seen that fruit trees like other plants reproduce themselves by means of seed. We have now to observe that although the planting of seeds is the surest way of propagating fruit trees in general, nevertheless we can never be quite certain that the same variety of fruit of which we have planted seeds will be reproduced. If we plant a peach stone a peach tree certainly will come up, but if that stone has been taken from fruit that is highly developed and is generally very fine from a market point of view, it does not necessarily follow that because the seed from that fruit has been planted, the fruit on the tree which results from the planting of that pip will be of the same high class quality as the ordinary fruit. This is where the science of fruit culture begins to come in. Having secured, by whatever means, a desirable kind of peach, apple, pear or any other fruit, how are we to propagate that fruit if we find that on planting seed from the fruit a tree springs up which eventually yields fruit not nearly as large and choice and sweet as the original fruit?

It must be realised that the course and progress of evolution, when it is directed by natural cases—in other words when it proceeds undisturbed by man—is very slow indeed; but whilst it is slow it is sure.

Man, on the other hand, studies the methods of evolution and hastens the process by artificial means; but the rapidity of development is obtained at the expense of security, of fixity of type. Man can go on propagating highly evolved varieties of fruit, but the high results which he obtains are only secure to him so long as he continues his striving, continues to apply his scientific methods to the propagation of fruit. We shall see later on how new varieties are obtained by man. In order, after having obtained a desirable type of fruit, to continue in the production of this fruit, he has to resort, in propagating the variety, to certain artificial methods known as budding, grafting, layering and planting cuttings. The adoption of these methods of propagation will enable him to produce as many trees as he likes, bearing fruit of as good quality as the artificial one whose evolution he has forced to a high plane of excellence. We shall now proceed to discuss these various methods of propagating new varieties of fruit trees.

Briefly, we may say at the outset that these methods of propagation have as their underlying principle the multiplication of the branches and roots of the original desirable tree. A cutting is made from the tree whose fruit it is desired to reproduce and is planted in the ground, where it takes root and later springs up into an independent tree bearing fruit of its own; or a branch on a tree is bent down and portion of it covered with earth, which portion takes root and forms the beginning of a new and separate tree; or again a cutting is affixed in a certain way to a tree bearing a common type of fruit, and the cutting grows from the tree and bears fruit of its own, or yet again a bud from a desirable tree is affixed to a branch on a common tree, and it (the bud), like the cutting, shoots forth and bears fruit of the excellent type required.

PROPAGATION BY CUTTINGS.

"Every leaf bud on a fruit tree," it has been said, "may be regarded as an embryo branch, and capable of forming a tree when supplied with separate roots." The difficulty is, however, that a single bud does not contain within itself sufficient plant food to enable it to live until it has thrown out roots; but this difficulty is overcome by cutting with the bud sufficient stalk to supply the plant food required. In order to carry out this method of propagation successfully a complete shoot of one year's growth should be taken, and this is then planted in the soil. This is a method of propagation followed with the grape, which is perhaps the most familiar example: no one ever plants grape seeds except when experiments are being made in the production of new varieties, and at the same time propagation is rarely effected in the case of the grape by means of budding or grafting. If side shoots are chosen they should be cut off close to the main stem of the tree, whilst late spring shoots should be cut off at the point between the one year's and two years' growth.

Cuttings should be taken in the winter, at any rate before the tree springs into active growth. About 2-3rds or $\frac{3}{4}$ ths of the shoot should be buried beneath the surface, and it is as well to shade the planted cuttings until they have taken root and are growing well. If they are long, such as, for instance, those of the grape, they should be planted in a sloping position in order that the lower ends may not be beyond the reach of the influence of the sun's rays. Also take care to press the soil closely against the cuttings.

PROPAGATION BY LAYERS.

Propagation by means of layers is a step in advance of the method of cuttings. I have explained that a bud by itself can not grow if severed from the tree, because it has not in conjunction with it sufficient plant food to keep it alive until it throws out roots. The difficulty, as we have seen, is overcome to some extent by cutting off with the bud a portion of stem which will supply the bud with the required nourishment. It may be, however, that the stem does not answer the purpose sufficiently well, and where this possibility is anticipated the method of layering can be resorted to, which means nothing more in principle than the planting of the shoot in the ground without severing its connection with the tree. In this way the shoot and the buds it bears are able to draw upon the parent plant for nourishment until it has thrown out, from the portion buried in the ground, roots which will extract from the soil the required nourishment. A familiar example of this method of propagation we have in the case of the carnations. I mention this because everyone is familiar with the practice of propagating carnations by layering, and it will serve to illustrate the principle.

If roots are not readily thrown out by the layered shoots they can be assisted by cutting into the portion of the shoot which is to be buried and then running the knife a few inches upwards, so that when the stalk is bent on layering, the cut portion will be separated and assume a perpendicular direction downwards. Roots will then more rapidly form because the backward flow of the sap will be retarded and will find an outlet by throwing out roots. If the branch is stiff it can be held down by means of a forked stick.

Layering is best done when the bark of the shoot proposed to be layered is soft and not too ripe. A little before midsummer is about as good a time as any. The operation should be performed preferably in moist weather.

(To be continued)

Good, pure water is as essential for the welfare of the horse as good food, and no other essential is so easily provided.

Agricultural Chemistry for Beginners.

CHAPTER IX.

By ARCHIBALD PEARCE.

CALCIUM AND LIME.

LIKE potassium, which was treated of in the last chapter, calcium is a metal very seldom seen in its metallic state, but its compounds are of enormous importance from our point of view. It is one of those substances without which no plant can live, and is sometimes added to the soil in large quantities to improve its tilth or texture, or to correct its sourness. In the form of calcium carbonate, usually called carbonate of lime, it is found in vast quantities in many lands, and is familiar to us under the names of chalk, marble, and limestone. These generally contain a proportion of magnesium carbonate as well, but the less of this there is present the better from an agricultural standpoint. The lime which is present in all fertile soils generally exists in the same form, namely, as carbonate. As is the case with other carbonates, it is easily decomposed by acids, and carbonic acid escapes with effervescence. This fact supplies us with the means of making a test as to the quantity of lime present in any soil. About two ounces of the soil should be moistened with water and an ounce of hydrochloric acid poured upon it. If there is a brisk effervescence we may conclude that we have plenty of lime in the soil; if no escape of gas is noticed, the soil is poor in lime; if the experiment is not quite certain in its result, we may have to call in the aid of an analyst to decide the question as to whether there is enough present to render the land fertile.

Calcium carbonate is quite insoluble in pure water, but it is remarkable that if the water has carbonic acid dissolved in it, a considerable amount of the carbonate will dissolve also. In Chapter VII. an experiment was described, showing how carbonic acid and lime combine to form calcium carbonate. Now, if this experiment is repeated, but instead of stopping when the carbonate has been formed we continue blowing for some time—perhaps ten minutes will be necessary—we shall notice the milky solution begin to get clear again; we may not get it quite clear, but the effect will be unmistakeable. The explanation is that as soon as the carbon di-oxide in the breath has combined with all the lime there is present, the water begins to take up some of the gas, and thus the solution of carbonic acid is formed which has the power

of dissolving lime. This process is of great importance in nature; rain water naturally contains a quantity of carbonic acid, which it obtains from the air; and when it falls upon a limestone rock, or comes in contact with lime in the soil, it dissolves some and carries it along wherever it may run to. For this reason the lime in the soil has always a tendency to work gradually down to the lower levels, or even to be washed out altogether.

QUICKLIME.

If calcium carbonate is heated to a red heat, the carbonic acid is driven off, and the basic oxide of calcium remains, to which the name of quicklime, or simply lime, is given. It has a most remarkable affinity for water, and if a lump is wetted it begins to steam and get very hot, and finally falls down to a fine grey or white powder, called slaked lime; this is a compound of lime and water, and its chemical name is calcium hydrate. If quicklime is exposed to the air, it soon absorbs moisture and becomes slaked, being then said to be air-slaked. Both quicklime and slaked lime also attract carbonic acid from the air, and become converted into carbonate again. In order to preserve quicklime, therefore, it must be kept air-tight; and slaked lime cannot be left exposed without losing its qualities. Lime is powerfully alkaline in its nature, and can neutralise the strongest acids; its solution restores the blue colour to reddened litmus, and has the characteristic alkaline taste.

THE ACTION OF LIME ON SOILS.

If we take a little clean sand and shake it up with water, it will settle to the bottom immediately on being allowed to stand, leaving the water quite clear. If the same experiment is tried with some clay, some of it will settle easily enough, but there will be some very fine particles which will keep the water thick for many hours, since on account of their fineness they float for a long long time. But if a little lime be now added, these fine particles cling together and form larger masses, which settle down much more easily and quickly. It will be now easy to perceive how lime acts on a clay soil. We know how hard such soils are to manage, how they cake together, especially if trodden on while wet, and this is because the small size of the particles enables the soil to pack closely together into clods. But if well dressed with lime, an effect takes place somewhat similar to that noticed in our experiment above; the larger particles formed do not pack so tightly together, and the soil becomes looser and more easy to till. On the other hand, if the soil is very sandy it is too open and loose, and the effect of lime upon it is to bind the particles together, somewhat in the same way as happens when mortar is made of lime and sand. Of course, we do not desire to make the soil into a hard mass of that kind, but sufficient of the binding effect

is produced to give the soil the necessary firmness. Another benefit which liming gives is to alter the composition of some of the insoluble constituents of the soil, so as to enable them to become active plant-food. For instance potash is often present, especially in clay soils, in such a state of combination that plants cannot feed on it; but the addition of lime causes these compounds to change into others more soluble, so that the insoluble or dormant potash becomes useful at once. Again, lime is a strong alkali, and if applied to a soil which an excessive quantity of decaying vegetable matter or insufficient drainage has rendered acid or sour, it neutralises the organic acids which cause the sourness, and renders the soil sweet and wholesome again. But some caution is required in its application, for it has the power of quickly using up and destroying the vegetable matter in the soil; and we must therefore take care that we do not reduce the quantity of this valuable matter too much. Sandy soils, which depend so much for their fertility on the organic matter they contain, are especially liable to be injured in this way. Accordingly, whenever a soil is limed, it is usual to supply an extra quantity of organic matter as well, either in the shape of kraal or stable manure or by some other method. There is a couplet many generations old, well known in England, which says:

"The use of lime without manure,
Makes both the farm and farmer poor."

And the old saw is full of truth.

METHODS OF APPLYING LIME.

When a field is to be dressed with lime, it is generally applied in the form of quicklime or of slaked lime. If these are carted on to the field and left exposed in heaps for any time, it is plain that they will soon lose their virtue by being converted into carbonate again, and all the trouble and expense of burning will be wasted. The best way, if quicklime is used, is to slake it with only so much water as will enable it to form a dry powder, and not a wet mass; it is then put in heaps on the land and covered with earth until it can be spread. Lime already slaked is covered the same way. As soon as spread it should be harrowed in; harrowing is better than ploughing, for lime tends to work down to the bottom of the soil in course of time, so that it should be left near the surface. Of course, ploughing the land brings it to the top again, but still some gets beyond the reach of the plough every year. If unburned limestone is put on the land, it has not the same effect as the other kinds, either on the texture of the soil or its composition. It does, however, act slowly in both ways, and at the same time supplies the crop with plant-food.

 GYPSUM.

The sulphate of calcium, known also as gypsum and sulphate of lime, is a naturally occurring substance often used as a manure in districts where it is plentiful. It is the substance which, when burned at a red heat, produces plaster of paris. As a source of lime for plant-food it is valuable, but has little or no effect on the texture of the soil. It helps to set free dormant potash in the same way as quicklime does, and is very useful to sprinkle on manure-heaps to prevent the loss of ammonia. It is always found in superphosphate and kindred manures, being formed, as described, in the process of their manufacture.

QUESTIONS.

1. What is the chemical name of chalk? In what other forms is the same substance found?
 2. What is the effect of heat upon chalk?
 3. How is quicklime made, and what is the result of wetting it?
 4. Why must quicklime be preserved out of contact with the air?
 5. Compare the action of lime upon a clay, a sandy, and a sour vleis soil.
 6. Can you get chalk to dissolve in water?
 7. Is it ever dangerous to apply lime to a field? If so, how can the danger be avoided?
 8. Show that in some cases manuring with lime may be equivalent to manuring with potash.
 9. What do you know about gypsum?
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A hen suitable to become the mother of the future laying stock should be a good producer herself, and one fed to stimulate production.

The appetite of the hen is some indication as to her productive capacity. Those with good appetites will meet one at the door at feeding time, and, if at all tame, may hop on to the feed basket.

THE FOOD OF PLANTS.—In general, it may be said that an abundant supply of phosphoric acid and potash, especially the former, tends to increase fruitfulness, hardiness, and firmness of leaves and stems, while an abundance of nitrogen has a tendency to produce just the reverse conditions: and while the plant cannot be at its best without a suitable supply of nitrogen, the plants which are grown chiefly for their fruits may be easily injured by an amount only slightly exceeding a sufficiency.

The Principles of Manuring.

IV.—PHOSPHORIC ACID AND POTASH.

HAVING dealt with nitrogen, the next element of plant food which we have to discuss is phosphoric acid. Nitrogen is the most important element of plant food, because most soils are better supplied with manurial elements than of available nitrogen, and furthermore plants do not take up as much phosphoric acid as they do nitrogen. Phosphoric acid, however, stands next to nitrogen in importance. In every soil there is to be found phosphoric to some extent, but it is not always present in an available form in any sufficient quantities. Liberal cultivation of the soil assists in rendering the phosphoric acid available, and the deficiency is also to be made up where necessary by the addition of fertilisers. We will not console ourselves in the present article with the various fertilising materials containing phosphoric acid which are at the disposal of the farmer wishing to enrich his land, as this will be discussed in later articles. For the present it is sufficient to point out the position which phosphoric acid occupies in agriculture in a general way. Phosphoric acid is used by plants for the production of seed, and consequently it is these elements which we have to apply more than any other to mealies and other cereals, if we are desirous of obtaining large crops of *grain*. If, of course we plant cereal crops (that is to say mealies, oats, barley, wheat and oats, and other members of the grass family, for fodder purposes and so desire to obtain good tonnages of leaf and stalk, we must apply nitrogen, phosphoric acid being in such cases essential, in comparatively small quantities. Mineral phosphates such as are found at Weenen and elsewhere in Natal, and bones are among the leading sources of phosphoric acid for the manufacture of commercial fertiliser. Phosphoric acid is also found in guana (which is used also for manure), in plants, in animals (besides in the bones) and farm-yard manure—that is to say the excrement of farm animals; and a large source of supplies is also to be found in what is known as basic slag, which is a rich phosphoric acid by produce obtained in considerable quantity in steel works from the basic process of steel manufacture.

POTASH.

Potash is the third and last element of plant food which it will be necessary for us to discuss. Potash is of far less importance than phosphoric acid from the farmer's point of view since it occurs abundantly in moist soil, and consequently it is not necessary to apply this element in as considerable quantities as is the case with phosphoric acid and nitrogen. Furthermore, when suitable manure is applied to the land there

is not such a loss of potash since the grain which is removed from the farm contains chiefly phosphoric acid. Also, the straw which is fed to the farm animals or which is used as litter in the stables and cow-houses and afterwards applied as manure to the land contains considerable quantities of potash which is returned to the soil.

Potash occurs on a wide scale over the surface of the earth, but extensive deposits have been found which can be exploited commercially and which form a no inconsiderable source of the world's supply of potash. Such deposits occur, for instance, at Stassfurt, in Germany, and the best known of the potash salts found there is that known as kanit. Although potash is present to a considerable extent in most soils it is as a rule to be found in a form not available for use by plants, and this accounts for the marked effect which potash has upon the soil when applied artificially. The ash of plants contains a large percentage of potash, and consequently wood ash is a useful manure so far as this element is concerned. The crops which remove most potash from the soil are the root crops, especially mangels. Cereals remove the least.

(To be continued.)

Tests for Students.

SOME USEFUL QUESTIONS AND ANSWERS.

TILLAGE.

Question 1: What is meant by tillage?

Answer: By tillage is meant the stirring of the soil for the purpose of aiding the growth of plants.

Question 2: What are two different kinds of tillage?

Answer: (a) Tillage which covers the entire ground, (b) tillage which covers only that part of the ground which lies between the plants. We practice the former before the seed is sown to prepare the land for the crop, and the latter between the rows of growing crops, to maintain the condition of the soil.

Question 3: What are other kinds of tillage?

Answer: We speak of surface tillage, shallow tillage, and deep tillage. Surface tillage is the stirring of from 2½ to 8 centimeters of the surface of the soil. Shallow tillage may extend 15 centimeters into the soil, and deep tillage is that which extends below 15 centimeters.

Question 4: What three things does tillage do?

Answer: (a) Tillage improves the physical condition of the soil by refining the soil and extending the feeding area for the roots: by increasing the depth of the soil so that the plants obtain a better root-hold;

by making the conditions of moisture and temperature more uniform throughout the growing season. (b) Tillage aids in the saving of moisture by increasing the water-holding capacity of the soil, and by checking the evaporation by means of the surface-mulch. (c) Tillage hastens the chemical action of the soil by admitting air to the soil, and by hastening the decay of organic matter.

Question 5: What three different classes of tools are used in tilling the soil?

Answer: (a) Deep-working tools, (b) surface-working tools, (c) compacting tools.

Question 6: What are the principal deep-working tools?

Answer: Different kinds of ploughs.

Question 7: What are the principal reasons for ploughing?

Answer: (a) To get the land in condition for planting, (b) to pulverise the soil, (c) to turn under manures, green crops, and trash, (d) to deepen the soil, (e) to break up the hard pan, (f) to warm and dry the land, (g) to allow the weather to act on the soil.

Question 8: How deep should lands be ploughed?

Answer: Under ordinary conditions lands should be ploughed 6 or 7 inches deep.

Question 9: What are the principal surface-working tools?

Answer: Hoes, rakes, cultivators, and harrows.

Question 10: For what purposes do we use surface-working tools?

Answer: (a) To make beds in which seeds can be sown and plants set out, (b) to cover the seeds, (c) to pulverise the soil, (d) to establish and maintain an earth-mulch, (e) to destroy weeds.

Question 11: How frequently should a harrow or cultivator be used?

Answer: The harrow or cultivator should be used as often as the soil becomes hard, particularly after every rain. In dry times surface tillage should usually be repeated every ten days or oftener. The drier the soil the greater the necessity for surface tillage.

Question 12: What are compacting tools?

Answer: Rollers and implements known as "plankes" or "floats."

Question 13: What are the reasons for using these tools?

Answer: (a) To crush clods, (b) to smooth the ground for the seed bed, (c) to hasten germination of seeds, (d) to make loose soils more compact and solid, (e) to put the land in such condition that other tools can be used.

Question 14: What is the principal objection to rolling land?

Answer: When land is rolled the surface-mulch is destroyed so that more or less soil moisture is lost by evaporation. On lands that have been rolled, surface tillage should begin as soon as the plants have appeared.

Need of Salt for Sheep.

EVERYTHING that is contained in any animal must come from the food and water consumed; every minute of any animal's life there is a waste of the substance, and consequently whatever is thus wasted must be supplied in the food. Every secretion and excretion from any animal contains salt, and it has been learned by exact method that a sheep excretes from its body every day one drachm of salt.

This is equal to $\frac{1}{2}$ oz. every week, or 26 oz. in a year.

Many farmers do not realise what would happen if this actual necessity of life (salt) were not supplied.

A handful of salt is a small matter, but the life of a score or more of sheep may be sacrificed for the want of it any time during the year. The first result of this want is falling off of the appetite, or the appetite becomes perverted, and all kinds of rubbish will be sought to supply the want. But in either case the result is the same. The food is not duly digested, and the nutriment of it is wasted, and so far as these failures go the animals starve.

The supply of salt is thus one of the most exacting necessities of not only sheep, but other stock as well, and as the domesticated animals are wholly dependent on their owners or keepers for their substance, and if this food—which salt really is—is not duly supplied, the animals must, in fact, starve, not only for the want of salt, but through the failure of the digestive organs to perform their functions for the need of it.—(W. H. UNDERWOOD, in *Agricultural Gazette*.)

Poultry Notes.

Too many chicks spoil the brood.

A chick in the nest is worth two in the mind.

The less the help the stronger the chicks.

The proof of the hatching is the chirp of the chicks.

The chick will never grind with the grit it never gets.

Grit is a virtue in man and fowl

The lazier the hen the smaller the profits

Silence may be golden, but not in a hen.

In general, eggs cannot be set the day they are laid.

The egg shell is porous, and will, therefore, allow the egg to absorb bad odours. Store the eggs in a clean place, and market them at least once a week: by following this method one should soon be able to get a reputation for furnishing eggs that are good and genuinely fresh.

Meteorological Returns.*Meteorological Observations taken at the Govt. Stations for the Month of May, 1910.*

| STATIONS | TEMPERATURE (Fahr. Deg.) | | | | RAINFALL (In Inches) | | | | | | |
|--------------------|--------------------------|---------|----------------------|----------------------|----------------------|---------------|-----------------------------------|------|---------------------------------------|---|--|
| | Means for Month | | Maximum for Month | Minimum for Month | Total for Month | No of Days | Heaviest rainfall in 1 day. | | Total for Year from July 1 1909 | Total for same period from July 1 1908 | |
| | Maximum | Minimum | | | | | Fall | Day | | | |
| Observatory .. | 76.1 | 58.9 | 85.1 | 52.0 | 5.43 | 7 | 3.01 | 26th | 49.61 | 39.39 | |
| Stanger .. | 78.6 | 57.8 | 88 | 52 | 5.60 | 5 | 2.05 | 25th | 48.32 | 40.60 | |
| Verulam .. | 79.0 | 51.7 | 92 | 50 | 3.87 | 9 | 1.80 | 25th | 36.70 | 37.30 | |
| Greytown .. | 72.9 | 42.2 | 81 | 34 | 2.92 | 4 | 2.07 | 24th | 34.87 | 44.83 | |
| Newcastle .. | 76.6 | 24.3 | 84 | 20 | — | — | — | — | 31.24 | — | |
| Lidgerton .. | 74.3 | 32.8 | 82 | 20 | 2.82 | 7 | 2.45 | 24th | 42.06 | 43.38 | |
| Estcourt .. | 72.2 | 40.8 | 80 | 28 | — | — | — | — | 29.13 | 31.99 | |
| Umbogintwini .. | 78.1 | 54.8 | 85 | 49 | 5.40 | 9 | 2.00 | 27th | 49.71 | — | |
| Mid-Illovo .. | 74.8 | 52.9 | 87 | 44 | 5.09 | 6 | 2.54 | 26th | 39.76 | 44.12 | |
| Port Shepstone .. | 75.9 | 57.7 | 84 | 48 | 5.40 | 9 | 2.90 | 25th | 45.44 | 40.65 | |
| Umzinto .. | 81.3 | 45.7 | 89 | 44 | 5.46 | 7 | 2.17 | 25th | 45.41 | 45.55 | |
| Richmond .. | 70.0 | 47.2 | 83 | 36 | 5.13 | 6 | 2.69 | 24th | 45.89 | 55.52 | |
| Maritzburg .. | 75.7 | 46.7 | 86 | 35 | 3.58 | 8 | 3.04 | 24th | 38.69 | 37.69 | |
| Howick .. | 72.9 | 40.7 | 82 | 30 | 2.55 | 3 | 2.16 | 25th | 33.95 | 40.59 | |
| Ladysmith .. | 79.1 | 43.2 | 87 | 34 | .07 | 3 | .03 | 24th | 27.11 | — | |
| Dundee .. | 71.9 | 46.9 | 80 | 36 | .27 | 3 | .10 | 29th | 29.16 | 39.63 | |
| Krantzkloof .. | 74.1 | 56.9 | 87 | 48 | 4.85 | 7 | 2.79 | 27th | 43.73 | 42.79 | |
| New Hanover .. | 76.2 | 46.6 | 85 | 34 | 4.36 | 5 | 3.00 | 24th | 46.70 | 43.06 | |
| Krantzkop .. | 78.2 | 47.0 | 82 | 42 | 3.05 | 3 | 1.40 | 24th | 39.26 | 35.68 | |
| Nqutu .. | 79.3 | 39.0 | 84 | 35 | .95 | 2 | .71 | 26th | — | 37.43 | |
| Utrecht .. | 78.6 | 40.8 | 84 | 30 | .22 | 1 | .22 | 15th | 26.43 | — | |
| Ngomi Forest .. | 70.4 | 50.6 | 79 | 45 | 2.03 | 11 | 1.40 | 6th | 69.61 | — | |
| Empangeni .. | 79.7 | 54.5 | 94 | 45 | 3.91 | 6 | 1.55 | 26th | 53.96 | 44.70 | |
| Mtunzini .. | 82.1 | 53.6 | 87 | 50 | 6.75 | 4 | 3.50 | 26th | 85.57 | 72.20 | |
| Ubonbo .. | 73.4 | 57.7 | 84 | 51 | 1.95 | 5 | .90 | 25th | 54.21 | 42.19 | |
| Point .. | — | — | — | — | 5.82 | 9 | 1.9 | 25th | 54.01 | 44.49 | |
| Nottingham Road .. | 69.5 | 31.0 | 78 | 17 | 1.55 | 4 | 1.38 | 24th | 30.93 | — | |
| Chalrestown .. | 69.5 | 35.5 | 76 | 26 | .06 | 3 | .05 | 26th | 31.79 | 45.41 | |
| Bulwer .. | — | — | — | — | 2.93 | 5 | 1.59 | 24th | 47.35 | 58.58 | |
| Ixopo .. | — | — | — | — | 4.99 | 3 | 2.38 | 25th | 38.45 | 38.15 | |

Meteorological Observations taken at Private Stations for the Month of May, 1910.

| STATIONS | TEMPERATURE (In Fahr. Degs.) | | RAINFALL (In Inches) | | | | | | |
|-----------------------------|---------------------------------|-------------------------|----------------------|-------------|----------------------------------|------|--|--|--|
| | Maximum for Month | Minimum for Month | Total for Month | No. of Days | Heaviest rainfall in 1 day | | Total for Year from July 1, 1909 | Total for same period from July 1, 1908 | |
| | | | | | Fall | Day | | | |
| P.M.B. Botanical Gardens .. | 85 | 32 | 2.81 | 6 | 2.41 | 24th | 34.73 | 38.15 | |
| Ottawa .. | — | — | 4.02 | 7 | 1.56 | 16th | 37.99 | 37.44 | |
| Mount Edgecombe .. | — | — | 4.87 | 6 | 1.89 | 27th | 45.25 | — | |
| Umzinto, Beneva .. | — | — | 5.14 | 5 | 2.38 | 25th | 44.99 | 41.55 | |
| Riet Vlei .. | — | — | 2.86 | 3 | 2.25 | 24th | 28.80 | 32.40 | |
| Cedara—Vlei Station .. | 82 | 25 | 2.63 | 5 | 1.95 | 25th | — | — | |
| Winkel Spruit .. | 84 | 50 | 5.13 | 7 | 1.93 | 25th | 45.91 | 43.05 | |
| Weenen .. | 85 | 29.5 | .15 | 1 | .15 | 24th | 24.61 | — | |
| Giant's Castle .. | 65.9 | 42.04 | .18 | 3 | .14 | 24th | 41.69 | 49.23 | |
| Umlhlangeni .. | — | — | 5.95 | 7 | 2.17 | 26th | — | — | |
| Hilton .. | 82 | 34 | 3.59 | 7 | 2.91 | 24th | 40.87 | 43.30 | |

Coal and Labour Return.

Return of Coal Raised and Labour Employed at the Natal Collieries for the month of May, 1910:—

| COLLIERY | Average Labour Employed | | | | | Output |
|--------------------------|-------------------------|--------------|-------|----------------------|--------|------------|
| | Productive Work | | | Un-productive Work * | Total | Tons Cwt. |
| | Above Ground | Below Ground | Total | | | |
| Durban Navigation .. | 273 | 915 | 1,188 | 20 | 1,208 | 24,732 — |
| Natal Navigation .. | 387 | 695 | 1,082 | 17 | 1,099 | 24,148 9 |
| Elandslaagte .. | 292 | 714 | 1,006 | 20 | 1,026 | 18,380 12 |
| Glencoe (Natal) .. | 193 | 522 | 715 | 25 | 740 | 14,436 2 |
| St. George's .. | 241 | 434 | 675 | — | 675 | 13,042 — |
| Dundee .. | 237 | 525 | 762 | — | 762 | 12,445 3 |
| Natal Cambrian .. | 188 | 485 | 673 | 31 | 704 | 12,234 16 |
| South African .. | 169 | 449 | 618 | 13 | 631 | 11,867 9 |
| Hlobane .. | 137 | 353 | 490 | 51 | 541 | 10,522 10 |
| Talana .. | 111 | 348 | 459 | 22 | 481 | 8,518 2 |
| Hatting Spruit .. | 62 | 275 | 337 | 17 | 354 | 8,203 13 |
| Burnside .. | 84 | 232 | 316 | 201 | 517 | 7,419 16 |
| Ramsay .. | 88 | 169 | 257 | 3 | 260 | 6,382 1 |
| Natal Steam Coal Co. .. | 88 | 213 | 301 | 10 | 311 | 6,299 13 |
| Newcastle .. | 73 | 308 | 381 | 13 | 399 | 6,158 11 |
| Ballengeich .. | 87 | 137 | 224 | 13 | 237 | 4,523 15 |
| West Lennoxton .. | 46 | 77 | 123 | — | 123 | 1,928 10 |
| Dewar's Anthracite .. | 11 | 11 | 22 | 9 | 31 | 200 — |
| Makateese Kop .. | 3 | — | 3 | — | 3 | 7 — |
| Totals .. | 2,770 | 6,862 | 9,632 | 470 | 10,102 | 191,449 16 |
| Corresponding Month, '09 | 2,461 | 4,823 | 7,284 | 300 | 7,584 | 125,170 11 |

| | | Productive Work | | | Un-productive Work | Total, May, 1910 | Total, May, 1909 |
|--------------|----|-----------------|-----------------|-------|--------------------|---------------------|---------------------|
| | | Above Ground | Below Ground | Total | | | |
| Europeans .. | .. | 233 | 207 | 440 | 60 | 500 | 373 |
| Natives .. | .. | 1,018 | 4,606 | 5,624 | 282 | 5,906 | 4,224 |
| Indians .. | .. | 1,519 | 2,049 | 3,568 | 128 | 3,696 | 2,987 |

* Cost charged to Capital Account.

Mines Department, Pietermaritzburg,
7th June, 1910.

CHAS. J. GRAY,
Commissioner of Mines.

RETURN OF COAL BUNKERED AND EXPORTED.

Return of Coal Bunkered and Exported from the Port of Durban for the month of March, 1910:—

| | Tons. | Cwt. |
|------------------|---------|------|
| Bunker Coal .. | 105,233 | 14 |
| Coal Exported .. | 25,890 | 10 |
| Total .. | 131,124 | 4 |

Customs House, Por Natal
1st June, 1910

GEO. MAYSTON,
Collector of Customs.

**Return of Farms at Present under Licence for
Lungsickness and Scab.**

| STOCK INSPECTOR. | DISTRICT. | DISEASE. | OWNER. | FARM. |
|------------------------|-----------------------------------|--------------|-----------------------|---------------------|
| A. P. Craw .. | Ladysmith .. | Scab | Natives .. | Roosboom |
| | | " | " .. | Rooipoort |
| | | " | P. Renten .. | Mt. Pleasant |
| | | " | H. Nicholson .. | Ne herton |
| | | " | Natives .. | Diefontein |
| | | " | " .. | Elandslaagte |
| | | " | B. J. Neinal er .. | Tylden |
| | | " | D. A. Henry .. | Envogel Vlei |
| A. B. Koe .. | Portion of Estcourt | " | R. Mattison .. | Calcott |
| | | " | W. Crouch .. | Oakhampton |
| | | " | C. Halting .. | Doornkop |
| A. C. Williams .. | Utrecht .. | " | C. Labuschagne .. | Haaston ein |
| L. Trenor .. | Alfred .. | Lungsickness | J. T. Clothier .. | Whiteliff |
| R. Wingfield Stratford | Newcastle .. | Scab | Natives .. | Location No. 2 |
| L. G. Wingfield | | | | |
| Stratford.. | Newcastle .. | Lungsickness | C. Kemp .. | Highton |
| | | Scab | J. Watt .. | Lombardy |
| | | " | G. Adendoiff .. | Bosch Hek |
| | | " | H. Vernon .. | Moodelaagte |
| | | " | W. sborn .. | Roo point |
| | | " | G. M. rais .. | Kon ngsberg |
| | | " | Unknown .. | Nernandien Pound |
| | | " | C. G. H. Laas .. | Redcliffe |
| | | " | Natives .. | No mandien |
| | | " | H. J. Hearn .. | Blackmore |
| | | " | J. V. Wade .. | Macclesfield |
| | | " | D. N. van Rooyen .. | Les Kop |
| | | " | Natives .. | Jubilee |
| G. Daniell .. | Vryheid .. | " | " .. | Mademoiselle |
| | | " | J. H. Kay .. | Ve geneeg |
| | | " | Natives .. | Trado |
| | | " | " .. | Hl bone |
| | | " | M. B. Curtis .. | Sandrust |
| | | " | J. M. Kockemore .. | Brakslout |
| | | " | P. Kroop .. | Apologie |
| | | " | J. Volker .. | " |
| | | " | E. J. Peckhhm .. | Arc dia |
| | | " | Natives .. | Nooitgedacht |
| | | " | D. Swar .. | Aloeboom |
| | | " | W. Landman .. | Driehoek |
| | | " | Natives .. | Toads |
| | | " | F. Symmons .. | Hartebeestbult |
| | | " | Natives .. | Berlin |
| J. B. Coope .. | Nkandhla & Nqutu | " | Natives .. | Telezi Hill |
| | | " | J. A. de Waal .. | Nqadeni |
| | | " | John Mate .. | Itala Hill |
| | | " | Petrus Mate .. | " |
| | | " | Natives .. | " |
| | | " | " .. | Insuzi |
| | | " | " .. | Sandwana |
| | | " | " .. | Siyongo |
| | | " | H. Fry .. | Empandhle |
| | | " | Natives .. | Nqutu Town Lands |
| | | " | " .. | Macelo |
| | | " | " .. | lood River |
| | | " | " .. | Mkonjane |
| | | " | " .. | Selutshana |
| | | " | " .. | Magabeni |
| E. Varty .. | Western Umvoti .. | " | F. R. Nel .. | Vermaak's Kraal |
| | | " | H. S. Vermaak .. | Haartebeeste Laagte |
| | | " | J. J. Nel .. | Floughton |
| | | " | J. & F. Nel .. | Blockmendaal |
| | | " | C. A. Charlewood .. | C aigieburn |
| R. Mayne .. | Eastern Umyvoti & Krantzkop .. | " | Natives .. | En alimatolo |
| | | " | " .. | Rigina |
| A. H. Ball .. | Weenen .. | " | P. P. van Rooyen .. | Doornkloof |
| | | " | D. P. Naude .. | Scottshoek |
| | | " | L. J. van Rooyen .. | Beil vae |
| R. J. Marshall .. | Dundee .. | " | A. Ja sen .. | Sheepridge |
| | | " | E. G. Wohltz .. | Stille Rust |
| | | " | H. Davel .. | Klir rug |
| J. F. van Rensburg | Ngotshe .. | " | P. J. C. Liversage .. | Toversnarsue |
| E. W. Larkan .. | Umsinga .. | " | J. Dedekind .. | Elands Berg |

RETURN OF FARMS UNDER LICENCE, —(Continued).

| STOCK INSPECTOR | DISTRICT | DISEASE | OWNER | FARM |
|---------------------|---------------------|---------|-------------------|---------------------|
| K. Ripley .. | Entonjaneni .. | Scab | Natives .. | Crown Lands, Beyela |
| | | " | " .. | Magwaza |
| C. E. Walker .. | Portion of Estcourt | " | Wm. McFie .. | Crown Lds., R dhill |
| | | " | " .. | Highlands |
| A. Hair .. | City and Ungesi .. | " | S. F. Boshoff .. | Lowlands |
| J. Radford (acting) | Pau pietersburg .. | " | G. I. Combrink .. | Niekerksfontein |
| | | " | J. Dekker .. | Zwaartkop Location |
| | | " | F. Dekker .. | Rooikop |
| J. Ralfe .. | Lion's River | " | G. F. Bunting .. | Politique |
| E. W. Bowles .. | Troop | " | C. J. Webb .. | View Holland |
| | | " | W. Whitelaw .. | Ricky Glen |
| | | | | Glennaize |

Pound Notices.

NOTIFICATION is contained in the *Government Gazette* of the sale, unless previously released, of the undermentioned live stock on the dates specified :—

ON THE 6TH JULY.

Ingogo—Twenty-two merino sheep, some branded T on right shoulder, others x in circle on near loin. Impounded on May 2nd by Natal Police, Spitzkop.

Mount Hope (Klip River)—(1) Three merino sheep, ewes, branded s. p. on left side, V cut out of left ear. (2) Merino sheep, ewe, branded s. p. left side, V cut out of left and right ears.

New Hanover—White mule, mare, aged. Marks 3. J. over U. left neck, black spots left and right neck, two black spots left shoulder. This animal is running on the farm of Mr. E. Bently, Sproxton, York, and too wild to be driven to the pound.

Vryheid—Stray merino hamel, right ear swallow tail and slit on back of right ear, winkelhaak on back of left ear. Supposed to have been lost from a flock passing.

Woodstock (Bergville)—Seventeen mixed kaffir goats.

ON THE 27TH JULY.

Pine Tree (Alexandra)—White sow, supposed to have strayed from a troop to Umzinto. Owner refuses to release.

Land and Agricultural Loan Fund.

The Land and Agricultural Loan Fund has now been established, and the Board are prepared to receive applications for advances on security of first mortgage on fixed property. Applications must be made upon special printed forms, which can be obtained, together with full particulars as to the conditions under which advances are made, from the office of the Fund, Colonial Offices, Pietermaritzburg.

All Correspondence should be addressed to the Secretary, Land and Agricultural Loan Fund, P.O. Box 357, Pietermaritzburg.

Division of Agriculture & Forestry Notices

FEES FOR AGRICULTURAL ANALYSIS.

It is hereby notified that Farmers and others can secure analytical determinations from the Government Laboratory, Central Experimental Farm, Cedara, in accordance with the following scale of fees, which is subject to revision :—

| | Scale I. | Scale II. |
|--|----------|-----------|
| | £ s. d. | £ s. d. |
| FERTILISERS AND FEEDING STUFFS : | | |
| Determination of 1 constituent | 0 7 6 | 0 5 0 |
| Determination of 2 or 3 constituents | 0 15 0 | 0 10 0 |
| Complete analysis | 1 1 0 | 0 15 0 |
| SOILS : Partial analysis of a soil in relation to its fertility | 1 1 0 | 0 10 6 |
| Complete analysis of a soil | 2 2 0 | 1 1 0 |
| WATER : Irrigation and drainage | 1 10 0 | 0 10 6 |
| VEGETABLE PRODUCE : Fodder, Ensilage, Grain, &c. | 1 10 0 | 0 15 0 |
| MILK, CREAM, BUTTER : Fat only | 0 5 0 | 0 2 6 |
| " " : Complete | 0 15 0 | 0 7 6 |
| WATTLE BARK AND TEA : Tannin | 0 5 0 | 0 2 6 |
| CATTLE DIPS : Quantitative analysis of 1 to 3 principle constituents | 0 10 0 | 0 5 0 |
| INSECTICIDES : | | |
| Qualitative analysis each constituent | 0 5 0 | 0 2 6 |
| Quantitative " " " " " " " " | 0 10 3 | 0 5 0 |

Scale No. 1 is applicable to samples handed in by merchants and Dealers, and where trade interests are involved.

Scale No. 2 is applicable to samples forwarded by *bona fide* Farmers and Gardeners.

Samples will be accepted at the discretion of the Director, and must be properly selected and labelled.

The Department reserves the right to publish the results of any analysis performed by it; and, where such is deemed of sufficient public interest, it will remain at the discretion of the Director to remit any charges hereunder.

TREES FOR SALE.

To encourage tree-planting, transplants and seeds of forest trees are supplied by Government, so far as in stock, at the undermentioned rates, exclusive of carriage, from the Government Nursery, Central Experimental Farm, Cedara.

Transplants of Eucalyptus, Pines, Acacias, Casaurinas, Cupressus, etc., about 25 trees in each tin, at 8s. 4d. per 100 trees. Trees in separate tins at 1s. each.

Transplants of scarce kinds, larger trees, or surplus stock, when available, will be charged at special rates, which will be furnished on application.

Tree seeds, in variety, at 6d. per packet. Price per pound, which fluctuates, will be furnished on application.

Package and postage of seed, when required, charged 1s. per lb. extra.

Orders cannot be accepted for a smaller number than 100 trees.

PURCHASE OF TREE SEEDS.

With a view to the encouragement of seed production in the Colony, offers are invited from persons having locally-grown seed of exotic trees for Sale. Not less than one pound will be purchased; and a specimen bearing seed vessels or flowers should be sent for identification purposes.

SILVER POPLAR.

Root suckers of the Silver Poplar (*Populus alba*) can be supplied in any quantity, at 8s. 4d. per hundred, on application.

POULTRY.

Cockerels and a few Pullets of the following breeds for sale :—Buff Orpingtons, Wyandottes, Plymouth Rocks and Black Leghorns.

PERSIAN SHEEP.

An imported Woollen Persian Ram may be hired for the season at a fee of £5, at hirer's risk. Particulars on application. Orders for Haired Persian Rams will be booked for future delivery.

WOOLLED SHEEP.

Offers are invited for young imported Rams being Rambouillet Merinos, Lincolns, Hampshires, Shropshires. Inspection can be arranged to suit intending purchasers.

CORRESPONDENCE.

Communications relating to the following subjects should be addressed in the first place to the officers responsible :—

Admittance of Students to the School of Agriculture.—House Master, Cedara.

Analyses of Soils, Fertilisers, etc.—Analyst, Cedara.

Felling Licenses, Purchase of Timber Sections and Squatters' Holding in Crown Forests.—Chief Forest Officer, Ixopo.

Afforestation, Timber Trees and Seeds.—Chief Afforestation Officer, Cedara.

Agricultural Seeds, Livestock, etc.—Farm Manager, C.X.F., Cedara.

Tropical Plants, Seeds, etc.—Manager, Government Farm, Winkle Spruit.

Agricultural Seeds, etc., for Irrigation Farming.—Curator, Govt Station, Weenen.

Fruit.—Orchardist, Cedara.

Accounting Business.—Accounting Clerk, Cedara.

Woollen Sheep, Woollen Classings, &c.—Wool Expert, Cedara.

Apiculture — Apiarist, Cedara.

E. R. SAWER,

Director, Division Agriculture and Forestry, Cedara.

Diamond Drilling.

SOME of the departmental diamond drilling plants are at present disengaged and available for hire for boring for either minerals or water. Particulars as to terms of hire may be obtained from the undersigned.

CHAS. J. GRAY,
Commissioner of Mines.

Employment Bureau.

THE Department of Agriculture has received applications from the undermentioned, who are prepared to become assistants or apprentices on farms. The Department will be glad to hear from farmers willing to take young men as assistants, and to place them in correspondence with the various applicants. Communications should be addressed to the office of this *Journal*.

No. 115.—Englishman, 26 years of age, steady and an abstainer, with a knowledge of cattle and horses, wishes employment on a farm in Natal (English preferred) as a handy man, with a view to furthering his knowledge of farming in this country. Is willing to accept food and clothing in a good home, for services, for a few months with the prospect of a small wage after the first three months.

No. 117.—Englishman, 25, of good education, desires appointment as overseer on a plantation in Natal, and would pay a reasonable premium and give services free for a few months if necessary. Has had commercial, engineering, surveying and mining experience.

No. 119.—Lady, experienced in dairy work, is desirous of taking charge of a dairy. Has gone through a course of butter and cheese-making, and holds good testimonials from Mr. J. Marshall Douglas, Chairman of the Royal Agricultural Society of England (1905).

No. 121.—Desires open air employment. Age 43. Life experience of agricultural pedigree and prize-stock gained in Scotland. Has been six years in South Africa. First-class references and testimonials. Small salary required.

No. 122.—A young man, with life-long experience of cane-growing, desires employment as manager or overseer on a plantation. Experience has been in Queensland and Fiji. Is good at figures and capable of taking charge of books if necessary.

No. 126.—Colonial, 35 years of age, desires to obtain a position as overseer or manager of an ostrich farm. Has been for some years with first-class farmers, and had charge of some of the best birds in the Cape Colony. Has a practical knowledge of incubating, rearing of chicks, dosing and general management.

No. 127.—An expert fruit packer of four years' experience in Spain and France, and twenty years Colonial experience, is open to accept an engagement after 25th April next. He is open to accept low wages, with board and lodging, and fare to and from the Cape where he is at present.

No. 128.—Wishes to secure employment on a farm. States that he has a general knowledge of engineering, and has been employed on a large and well-known farm in the Richmond Division.

No. 131.—Age 20. Was a student at College of Agriculture, Cape Colony, where he gained a diploma. Has also won prizes for butter making at the Rosebank and Port Elizabeth Shows. Has been in the services of the Orangia Creamery Co., Bethlehem, which he left on account of conditions of employment not being suitable to his requirements.

No. 132. Age 37. Has had nine years experience as Assistant and Manager on Tea Estate in Assam, and has a thorough practical knowledge of tea making in all its Departments. Would like to obtain an appointment in a Tea Garden in Natal. Has a knowledge of several Indian languages.

No. 133.—Desires appointment as Farm Manager. Has had a thorough knowledge of growing and packing fruit, also lucerne growing and hay making. Has also had experience in Ostrich and Stock farming.

No. 134.—Age 37. Wishes to obtain experience on an Ostrich farm for a year. Would be willing to invest £700 at the end of the term of probation, and on the expiry of a year's partnership would be willing to increase that sum to £1,000.

No. 135.—Age 35. Has a knowledge of poultry and bee-keeping. Total abstainer. Non-smoker. Good references. Is anxious to get on to a farm.

No. 136.—Wishes to secure employment on an Ostrich farm. Very good references.

No. 137.—Understands carpentry and wagon making. Is anxious to secure a position on a farm.

No. 138.—A young man who has just completed a two years' course of study at Cedara, and who has also had four months' experience on a dairy farm, wishes to secure employment on a farm—stock or mixed farm preferred.

No. 139.—Age 25. Seven years' experience in mixed farming in Springfield District.

No. 140.—Age 25. Colonial born. Has had 3 years experience on farm. Two years in the Mooi River Division, and one year Dairy Farming in the Transvaal. Good references; speaks Zulu.

Farmers requiring good, steady farm hands would do well to communicate with Ensign Anderson, of the Salvation Army Shelter, Maritzburg, who constantly has good men at the Shelter who would be glad of employment at reasonable rates. Ensign Anderson pledges himself not to recommend for employment any but those he is satisfied will give satisfaction to their employers. He will be pleased to enter into correspondence with any farmer who may address him on the subject.

EMPLOYMENT FOR GIRLS.

The Minister of Agriculture has received a letter from the Chairman of the Transvaal Land Settlement Board, stating that he has been asked by several correspondents in England if there are any openings in South Africa, such as in creameries, for girls trained at Bromsgrove Colonial College and other such training centres in England. We should be glad to hear from any institutions or farmers in Natal who may be in a position to offer situations to girls who have been trained at such Colleges, when we shall be pleased to place them in communication with the Chairman of the Transvaal Land Settlement Board.

Agricultural and Other Shows, 1910.

CAMPERDOWN (Camperdown Agricultural Society).—Show, 22nd July. Walker and Burchell, Camperdown, *Secretaries*.

DURBAN (Durban and Coast Society of Agriculture and Industry).—Show, 6th, 7th and 8th July, J. Morley, 399, Smith Street, Durban, *Secretary*.

DURBAN (Durban County Farmers' Association).—Hold no Show, but an Exhibit will be arranged for at the Show held by the Durban and Coast Society of Agriculture and Industry. F. J. Volett, New Germany, *Secretary*.

DURBAN (Durban and Coast Poultry Club).—Show 6th, 7th and 8th July. H. M. Fletcher, 20, Castle Arcade, Durban, *Secretary*.

MID-ILLOVO (Mid-Illovo Farmers' Club).—Show held under the Mid-Illovo Agricultural Society. J. W. V. Montgomery, Ismont, Mid-Illovo, *Secretary*.

NEW HANOVER (New Hanover Agricultural Association).—Show, 18th August. W. D. Stewart, New Hanover, *Secretary*.

RICHMOND (Richmond Agricultural Society).—Show 20th July. Entries close, 30th June. C. Williams, *Secretary*.

SOCIETIES HOLDING NO SHOWS.

Bryne Farmers' Association; Boston Farmers' Association; Donnybrook Farmers' Association; Drong Vlei Farmers' Association; Garden Castle Farmers' Club; Greytown Horticultural Society; Ladysmith Farmers' Association; Malton Farmers' Association; Polela Agricultural Society; Seven Oaks Farmers' Association; Umsinga-Biggarsburg Farmers' Association; Utrecht Boeren Vereeniging; Vryheid Agricultural Society.

Frere Dipping Association; Altred County Farmers' Association and Agricultural Society.

Farm Apprentices' Bureau.

THE following is a list of the applicants which have so far been received by the Editor of the *Natal Agricultural Journal* from boys desirous of obtaining positions on farms. Farmers wishing to get into communication with any of these applicants should address their enquiries to the office of this journal.

The majority of the applicants have, of course, had no farm experience, but all appear to be strong, healthy and willing.

- | | | | | |
|-----|-----|---------|--|---|
| No. | 3. | Age 24. | Colonial born | Has a knowledge of bookkeeping. |
| „ | 15. | Age 19. | Is desirous of learning farming. | |
| „ | 25. | Age 23. | Bricklayer by trade. | Is anxious to get on a farm. |
| „ | 27. | Age 19. | Has had one year's experience on a farm in the Cape Colony. | |
| „ | 35. | Age 21. | Has had five years' experience on farms. | Understands cattle and horses and Agriculture. Is anxious to get back on a farm. |
| „ | 40. | Age 24. | Has had a little experience of farm life. | Understands bee-keeping. Is anxious to get on a farm. |
| „ | 46. | Age 21. | Served a term of apprenticeship to a firm of agricultural implement makers. | Industrious and level-headed lad. Very good references. |
| „ | 47. | Age 21. | Is anxious to obtain a situation on a farm. | Has been in iron-mongery trade for 2½ years. |
| „ | 53. | Age 17. | Has had 18 months' experience of farming in Zululand. | Speaks Zulu. Understands cattle and horses. |
| „ | 54. | Age 18. | Has had 18 months' experience of farming at Harrismith. | Speaks Zulu and Dutch. Understands cattle and horses. Is anxious to get back on a farm. |
| „ | 55. | Age 16. | Has had a little experience. | Speaks Zulu. Understands carpentry. Has been engaged in a Solicitor's office for four years. Is very obliging and willing. Anxious to get on to a farm. |
| „ | 56. | Age 20. | Strong, tall and healthy, good rider, fond of stock, and has had some years experience of general farming. | Small salary required with board and lodging. |

Brands Allotted to Infected Magisterial Divisions.

THE following is a list of the brands which have been allotted to the several infected Magisterial Divisions:—Durban County, D. 2; Alexandra County, A. 2; Lower Tugela, T. 2; Mapumulo, S. 2; Inanda, B. 2; Umsinga, U. 2; Dundee, X. 2; Vryheid, V. 2; Ngotshe, H. 2; Paulpietersburg, P. 2; Nongoma, G. 2; Mahlabatini, L. 2; Ndwedwe, N. 2; Weenen County, W. 2; Umvoti, F. 2; Hlabisa, K. 2; Eshowe, E. 2; Ladysmith, R. 2; Babanango, O. 2; Ladysmith, East of Line outside infected area, R. 3; Utrecht, Z. 2; Krantzkop, 2 K.; Umvoti Location, 2 F.; Ladysmith, West of main line of Railway, R. 3 on left neck; Pietermaritzburg City, 2 P.; Umlazi Location (Upper Umkomanzi portion), 2 U.; Umgeni Division, west of line, J. 2; Lion's River, east of line, 2 H.

Government Cold Stores and Abattoirs.

PIETERMARITZBURG.

It is notified for the information of Farmers and others that Government is prepared to receive Cattle at the Government Abattoir, Pietermaritzburg, for Slaughter and Storage, if necessary, upon the following Scale of Rates and Charges, or such of them as may meet the requirements of Cattle owners. It must, however, be understood that owners will be required to make their own arrangements for the sale of the meat of cattle sent in for slaughter the Government being unable to offer facilities or to accept responsibilities in this regard.

Cattle may also be received for slaughter at the Government Abattoir, Point, Durban, at the charges noted below. As the Government is unable to offer facilities for cold storage at Durban, or for the sale of the meat of cattle sent for slaughter, it must be understood that owners will be required to make their own arrangements in these respects, and the Government is unable to accept responsibility in either regard at Durban.

| Charges in respect of Cattle and the Meat of Cattle. | Calves up to one year old. | Cattle over one year old. | |
|---|----------------------------|---------------------------|-----------------------------------|
| | | Rate per single head. | After reaching 100 head in month. |
| <i>Abattoir.</i> | s. d. | s. d. | s. d. |
| 1. Receiving, per head... | 0 3 | 0 6 | 0 3 |
| 2. Killing and Dressing, per head ... | 2 0 | 3 6 | 2 9 |
| 3. Disinfectants ... | 0 1 | 0 1 | 0 1 |
| 4. Cleaning Tripes, each ... | 0 6 | 0 6 | 0 6 |
| 5. „ Sets Feet, per set ... | 0 6 | 0 6 | 0 6 |
| 6. „ Calves' Heads, each .. | 0 9 | — | — |
| <i>Bagging Charge</i> | | | |
| 1. Per Body of Beef ... | 1 3 | 2 6 | 1 9 |
| 2. Bagging Labour, per body ... | 0 3 | 0 6 | 0 3 |
| Hessian, 3d. per yard. | | | |
| <i>Special Storage Rates for Chilling up to 72 hours.</i> | | | |
| 1. Chilling Beef, per body ... | 1 3 | 2 9 | 1 9 |
| 2. Chilling Offal, per set ... | 0 6 | 1 0 | 0 6 |

A charge of 1s. per head is made in respect of any Sale of Cattle on leg at the Government Abattoir and a similar charge is made in respect of Bodies of Beef or portions thereof.

For further particulars apply to the Manager, Government Cold Stores.

Department of Agriculture, Maritzburg, 21st December, 1908.

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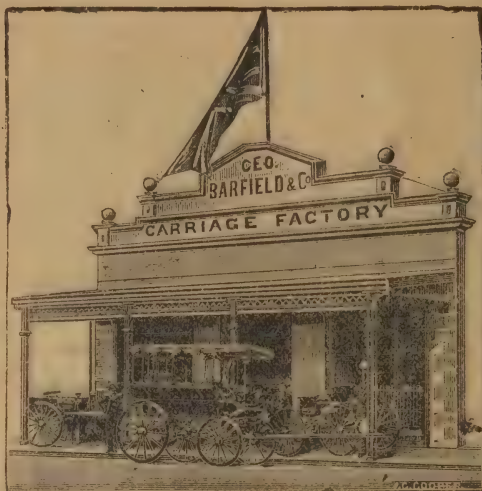
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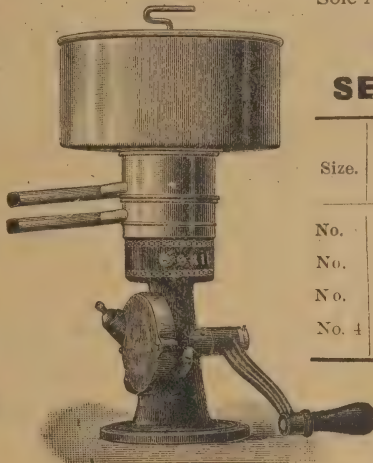
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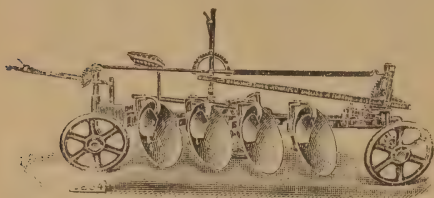
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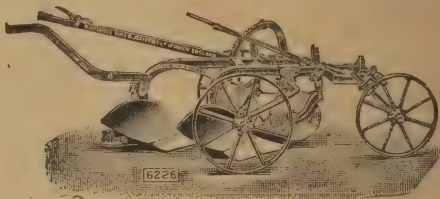
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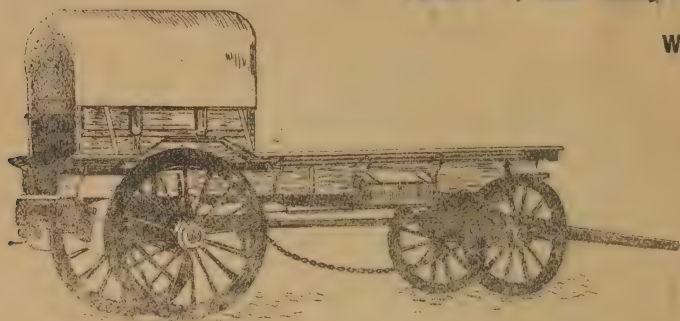
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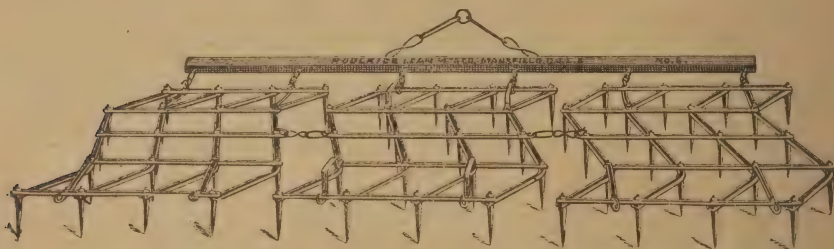
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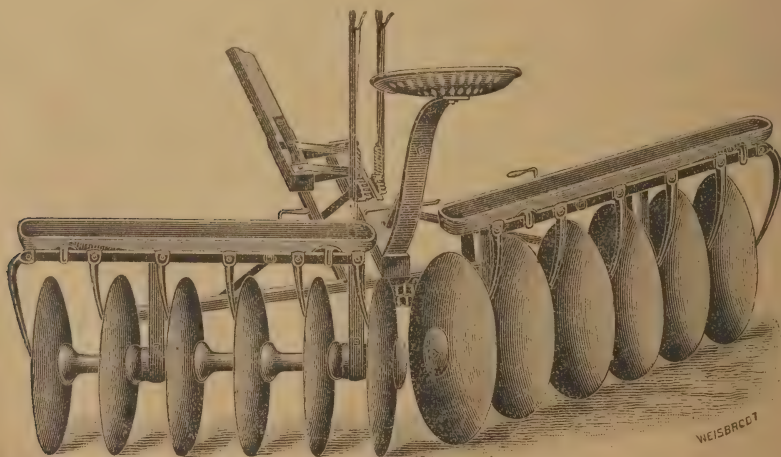
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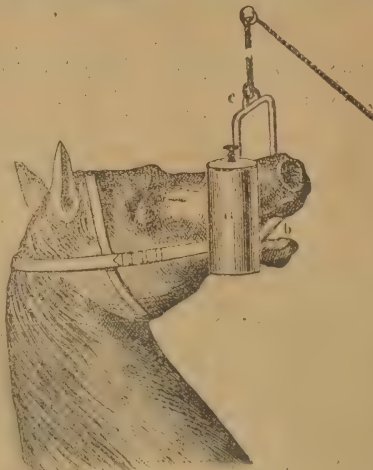
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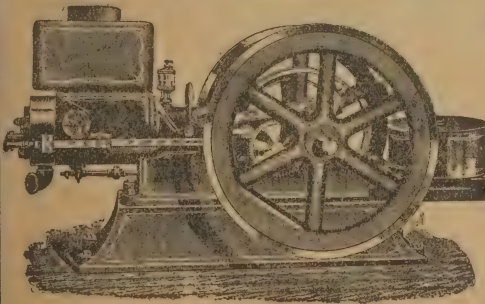
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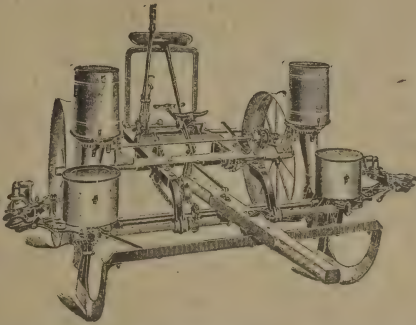
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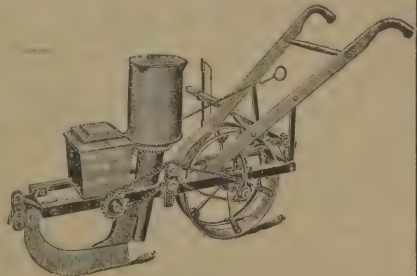
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Affecting
LANDOWNERS, FARMERS, and AGRICULTURISTS GENERALLY.

(Revised to 31st MAY, 1910.)



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Vol. XV., No 7.

JANUARY, 1911.



. . THE . .

NATAL AGRICULTURAL JOURNAL

SPECIAL ISSUE.

Published for and Edited in the Department of
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THE "TIMES" PRINTING AND PUBLISHING COMPANY, LIMITED,

1911,

TO OUR READERS.

With this issue the *Natal Agricultural Journal* ceases to exist. With the establishment of Union, it has become necessary to incorporate the Cape, Transvaal, and Natal Agricultural Journals, and to issue one Agricultural Journal for the Union, the headquarters of which will be at Pretoria. To all who have so cordially supported us in the past, both with contributions and otherwise, we take this opportunity of tendering our thanks and appreciation for the assistance which they have rendered us. We may state that the Agricultural Journal of the Union will be issued monthly, and arrangements are being made whereby subscribers to the late Provincial Journals will receive the Union Journal, the lists of subscribers being transferred from the Provincial Journals.

With this number is issued an index for the volume of the *Journal* just closed.

Abstract and Digest

OF

ORDINANCES, LAWS AND ACTS

AFFECTING

LANDOWNERS, FARMERS,

AND

AGRICULTURISTS GENERALLY.

COMPILED AND EDITED BY H. J. CHOLIS,
Editor, "Natal Agricultural Journal."

INTRODUCTION.

PRACTICALLY all our necessities of life spring, directly or indirectly, from the soil, and by far the greater part of them through the instrumentality of the farmer, planter, and forester. Where other groups of workers in the State fashion and improve and so increase the marketable value of commodities by rendering them more conformable to the wants of mankind, farmers go to the permanent* origin of nearly all wealth,** namely, the soil, and force it by various arts to yield up its primitive substances, nitrogen (obtained, that is, with the help of the soil, from the atmosphere), phosphoric acid, potash, and other elements, in a wonderful variety of forms consumable by mankind. From the very nature of their calling, indeed, farmers, pastoral, agricultural and tropical, and forest workers, have become constituted a body apart. Standing thus isolated, and considering their calling as the permanent creators of

* As distinguished from the transitory nature of mineral wealth.

** The products of the sea must be excluded,

new wealth, it is not wonderful that a body of laws should have sprung up for the protection of their interests as farmers, for assisting them in their vocation, and for encouraging generally the settlement of the land. In Natal, during the three-score years or more of her existence under civilised rule, quite a large body of laws has come into being, laws both permissive and obligatory, framed to direct our farming industries along right lines and to furnish that measure of protection of individual interests without which progress is impossible.

In looking through these laws we find that they fall naturally into several large groups, according as they are concerned respectively with the protection of property, with the improvement of property, with the furnishing of assistance by the State to farmers, with the regulating of the relations between the European and the coloured and black races, and so on; but from a practical point of view their sub-division into a number of smaller groups renders them more capable of assimilation and affords a readier examination of them as a whole. The grouping which I have chosen for the laws we have in Natal is, of course, to some extent arbitrary, and admits of much better arrangement at the hands of a more capable compiler than myself, but I think the arrangement I have adopted will be found to answer the practical purposes in view, namely, the ready assimilation of the various laws and a ready reference to them as occasion requires. These various divisions are:—I. Diseases and Pests; II. Protection of Animals and Animal Industries (including Game Laws); III. Branding and Ear-marking; IV., Stock Thefts and Pounds; V. Laws Relating to Dogs; VI. Roads, Traffic, and Outspans; VII. Fencing, Trespass, and Squatting; VIII. Grass Burning; IX. Native Labour Laws; X. Indian Labour Laws; XI. Natives—Miscellaneous Matters; XII. State Aid to Agriculture, and Land Settlement; XIII. Irrigation Laws; and XIV. Miscellaneous. Some of these divisions naturally contain a larger number of laws than others, and it is a matter of no surprise that the first of these divisions comprises quite 25 per cent. of the total number of laws relating to farming. Rinderpest, lung-sickness, tuberculosis, East Coast Fever, glanders, epizootic lymphangitis, scab, and even rabies: all have called at various times for legislation; and though, one is thankful to realise, all these laws are not in active operation at the present time, still it is satisfactory to know that we have on our Statute Book measures which will assist immediately in controlling outbreaks of any of those diseases as occasion may require in the future. Of the other groups into which our laws may be divided, none perhaps calls for special attention in an introductory note such as this, with the exception of the group of laws relating to Indian immigration. In the list of laws which have been drawn up, I have included thirteen laws on this subject, and still I have not exhausted the entire number on our Statute Book (my reason for

omitting several being that they could not be regarded as of general interest). Most of these laws are, of course, of the nature of amendments of the earlier ones, but the mere fact of their being amending Acts indicates the attention which our legislators have been obliged to bestow on this important economic feature of our farming. The division of laws dealing with diseases and pests is, as I have remarked, a long one, but it consists of a number of sub-divisions, each dealing with a particular disease or pest, whilst the division relating to Indian immigration stands as one undivided subject; and this subject enjoys the distinction of having had bestowed upon it, I will not say the most attention, but at any rate the most frequent attention of our legislators in the past.

Under these fourteen categories, then, we can conveniently deal with the unrepealed Ordinances, Laws, and Acts which have been placed upon our Statute Book since 1850 and which are of sufficient general interest to make them worthy of comment; and these fourteen groups I have made the subject of as many chapters in the Abstract which follows.

In preparing this Abstract I have given further acquiescence to the wish expressed some five years ago by the Natal Agricultural Union to the effect that an abstract should be published of all the Natal laws relating to farming or of interest to farmers and landowners. In December, 1905, the Secretary to the Minister of Agriculture published a short abstract of the laws up to that time; and I have now, as five years have elapsed since that abstract was published, and as the entry of Natal into Union seems to offer a fitting opportunity, thought that a revision up to the present year would be welcome to the farmers of this Province. Whilst, however, I have taken the previous abstract as a basis upon which to work, I have gone further and have considerably widened the ground covered by that work, and adopted a different method of arrangement. As I have indicated above, I have dealt with these laws under fourteen chapters; and I have also at the beginning of each chapter, prepared a digest of the laws included therein in order that anyone who may seek to know what legislation is in force regarding any particular subject, may in a very brief space acquaint himself of the nature of that legislation without having to undergo the fatigue of reading through many pages of the laws themselves. I would wish it to be understood, however, that these digests do not pretend to do anything more than offer a general idea of the laws with which they deal, and that they are not couched in any degree in the language of the laws themselves; so that if definite information is required on any particular point the laws themselves should be referred to. To assist in this I have prepared an extensive index, which will be found at the end of the Abstract, and which will enable any particular subject or point to be turned up with ease. I have also prepared a detailed list of contents, which will facilitate the

turning up of the laws of any desired group; and a chronological list of laws will also be found following the contents list.

All the laws as printed stand as amended, and I have indicated as footnotes, in the case of such amendments, the laws which have effected the changes. I have also endeavoured to give, by means of footnotes, as complete cross-references between the different laws as possible; and at the end of each chapter will be found details of references in other laws to the subject of the chapter. In the form of footnotes, too, I have referred to cases of interest which have come before the Natal courts in connection with the various laws with which this Abstract deals, for which references I must express my indebtedness to Hitchins' *Statutes of Natal*.

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| 13, 1874 | Trespass | VII., ii. |
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| 28, 1897 | Indian Immigration | X. |
| 30, 1897 | " | X. |
| 5, 1898 | Lungsickness | I., iii. |
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| 20, 1901 | " | X. |
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Chapter I.

DISEASES AND PESTS.

THE present chapter is the longest of all the chapters into which I have divided the various laws affecting farmers and landowners. In view of its great length, the most convenient method of dealing with the various laws which it comprises will be to take each section of the chapter separately, prefacing the section with a few introductory remarks on the laws contained therein. In the same way, instead of giving a list of the laws at the head of the chapter, as I have done in the other chapters, I will enumerate the laws at the head of each section.

I.—GENERAL.

[LAWS.—Law 29, 1874; Act 38, 1894; Act 3, 1897.]

Provision is made in Act No. 38 of 1894 for preventing the spread of contagious and infectious diseases among animals. This Act refers to all contagious and infectious diseases. Steps are prescribed to be taken in the case of an outbreak of disease, which from considerations of space I do not propose to go into, either in the present case or in those of laws referred to in succeeding sections. Provision is made for the issue of orders by the Governor in Council prohibiting the introduction of stock from other countries in which infectious or contagious diseases exist.

Act No. 3 of 1897 permits the seizure by any constable or guard of any cattle from outside Natal which have passed through any fence that may have been erected for the exclusion of cattle. The same Act prescribes punishment for the crime of wilfully spreading any cattle disease in Natal. Law No. 29 of 1874 deals with the burial of the carcases of dead animals.

ACT No. 38, 1894.

“For preventing the spread of Contagious and Infectious Diseases among Animals.”

Short Title: “The Animals Diseases Act, 1894.”

3.—*Special Laws not Affected by this Act.*—Nothing in this Act shall be construed to repeal the provisions of any special Law or Act relating to the disease of lung sickness, glanders, farcy and scab.*

* As amended by Act No. 30, 1899.

4.—*Isolation of Animals.*—Every person who shall have in his possession or under his charge any animal affected with or showing symptoms of cattle plague or rinderpest, foot and mouth disease, or any other contagious or infectious disease, save as is in the third section of this Act excepted, shall immediately isolate such animal, and forthwith give notice of the disease to the owners or occupiers of adjoining properties, and to the Magistrate of the Division, who shall thereupon pass on such notice to the Colonial Secretary.

5.—*Enquiry and Inspection.*—Whenever it shall appear to any Magistrate that there is reason to suspect that any animal in his Division is affected as aforesaid, he shall cause such enquiry and inspection as may be necessary to be made.

6.—*Examination.*—On receiving information that any animal appears to be affected as aforesaid, the Magistrate may cause the suspected animal to be examined at the place of its isolation by a Veterinary Surgeon, and by two landed proprietors in the district, and in the event of there being no Veterinary Surgeon available, then by three landed proprietors in the district.

7.—*Isolation or Destruction.*—Immediately after such examination the Veterinary Surgeon and the said landed proprietors may issue an order for the isolation or destruction of such animal at the place at which the animal is isolated.

8.—*Diseased Animal not to be Removed.*—No animal showing symptoms of any such disease as aforesaid shall be removed from the land on which it is when found in such condition, unless it be found upon a road or thoroughfare, or in a town or village, or on a commonage, outspan, or other public place, in which case it shall be removed by the nearest way to an adjacent place to be isolated or destroyed.

Save as last aforesaid no such animal shall be driven or otherwise conveyed or taken upon any road, railway, or thoroughfare, or unto or across any other land than that on which it was found in such condition.

9.—*Proclamation of Infected Districts.*—Whenever any contagious or infectious disease exists among animals in any district, the Governor in Council may, if it shall seem proper to do so, proclaim any district or place defined in the Proclamation to be an infected area, and may by such Proclamation forbid the removal from or bringing into such area of any of such animals as are named in the Proclamation, whether such animals are or are not affected with any disease: Provided that the Governor in Council may by such Proclamation make such exceptions as may appear expedient in regard to animals not affected with any disease.

10.—*Prohibition of Introduction of Stock from Proclaimed Countries.*—The Governor in Council may, by Proclamation, prohibit the introduction into Natal of any stock from any country in which any of the

diseases mentioned in Clause 4 of this Act are found by the Government to be prevalent.

11.—*Prohibition of Importation of diseased Animals.*—It shall not be lawful to import into Natal by sea or over any inland border any animal suffering from, or showing symptoms of, any infectious or contagious disease, or the carcase or any part of the carcase of an animal which has died from an infectious or contagious disease. The owner, or agent of the owner of an animal imported in contravention of this section shall be deemed guilty of the contravention, if he has accompanied such animal, or shall have been present at the time of importation, or shall have had reason to know that such animal was so diseased; otherwise the person in charge of such diseased animal shall be deemed guilty of the contravention.

12.—*Isolation of Animals.*—The Magistrate is hereby empowered, upon the recommendation of the Colonial Veterinary Surgeon, or other Veterinary Surgeon, or majority of landed proprietors aforesaid, to direct the isolation at such places as he may determine, of any animals which he shall be satisfied have been in contact with an animal affected with a contagious or infectious disease, for such period and under such restrictions as he may deem necessary.

13.—*Destruction of Utensils, etc.*—The Colonial Veterinary Surgeon may by himself or by any Veterinary Surgeon or officer acting under him, give orders for the disinfection or destruction of utensils, clothing, coverings or other articles likely to disseminate disease, and for the purification to his satisfaction of any vehicle, building or place where a diseased animal has been kept.

14.—*Officers.*—The Governor may appoint officers for carrying out this Act, who shall be officers of the department of the Colonial Veterinary Surgeon.

15.—*Regulations.*—The Governor in Council may make regulations for carrying out the purposes of this Act. Such regulations may provide for penalties for contravention thereof, or of this Act, not exceeding in any one case £50 with the alternative of imprisonment, with or without hard labour, until the payment of the fine, such imprisonment, however, not to exceed the term of three months: Provided that no such regulations shall have effect until after promulgation thereof in the *Natal Government Gazette*.

16.—*Compensation.*—If upon examination of the carcase of any animal destroyed under the provisions of this Act, it shall be ascertained that such animal was not suffering from a contagious or infectious disease, the owner shall be entitled to be paid from the Public Revenue the value of such animal immediately before death.

17.—*Assessment of Value.*—In determining the value of an animal which has been imported into Natal, the Court may take notice of the actual cost of the purchase and importation thereof, due regard always being had to any other circumstances which may affect its value.

18.—*Prosecutions.*—Every contravention of this Act or of the Regulations, shall be cognizable, and may be tried in the Court of the Resident Magistrate of the Division in which the contravention occurred, or in which the person accused may be.

LAW No. 29, 1874.

“To remove nuisances from the Public Roads, and to prevent the spread of infectious and contagious diseases amongst cattle.”

11.—*Magistrate may authorise the Removal of Carcasses.*—It shall be lawful for the Lieutenant-Governor to authorise any Resident Magistrate or other person to cause the carcasses of any dead animal to be removed from the public road at the public expense.

2.—*Burial of Dead Animals.*—It shall be lawful to bury any dead animal on any farm on which such animal may have died, or on any farm adjoining the road near where such animal may have died: Provided any such animal be not buried in cultivated or enclosed land, nor within five hundred yards of any dwelling-house: Provided also, that such animal shall be buried at least three feet below the surface.

ACT No. 3, 1897.

*“To continue, with amendments, the Cattle Diseases Acts of 1896.”**

2.—*Cattle Breaking through Fences may be Seized and Forfeited.*—If any cattle from outside the Colony shall be driven through any fence erected for the exclusion of the cattle from the Colony or shall be allowed to break down or pass through such fence into the Colony, in violation of any prohibition, proclamation, etc., such cattle shall at once, and without any adjudication of forfeiture, become forfeited to and the property of the Government of Natal, and may be seized by any constable or guard or like officer and be destroyed or dealt with as Government may direct.

3.—*Punishment for Wilfully Spreading Cattle Disease.*—If any person shall wilfully introduce, or attempt to introduce, any cattle disease into Natal, or wilfully spread such disease in Natal, he shall be deemed guilty of an offence, and upon conviction in the Supreme Court or a Circuit Court shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years, and all his property, movable and immovable, shall become forfeited to Her Majesty.

* These Acts (Nos. 1 and 34 of 1896) were continued by the above Act No. 3 1897, until the 31st December, 1898. They were not continued after this date has have expired.

4.—*Forfeiture of Offender's Property.*—If any such person be beyond the jurisdiction of the Supreme Court of Natal, his property within the Colony may be seized and attached, and he may be sued for the forfeiture thereof.

6.—*Interpretation.*—The word “cattle” in this Act shall include all horned cattle, sheep, goats, swine, horses, asses, dogs and any other animal which may be further included by a Proclamation.

II.—EAST COAST FEVER.

[LAWS.—Act 32, 1903 ; Act 54, 1906 ; Act 6, 1907 ; Act 32, 1908 ; Act 20, 1910.]

The first Act passed by the Natal Parliament for preventing the spread of East Coast Fever was Act No. 32, 1903. This was amended slightly in 1906 by Act No. 54 of that year. Provision for compulsory fencing was made by an Act (No. 6) passed in 1907; and all these Acts were subjected to slight further amendments and extensions in 1908 by Act No. 32 of that year. Act No. 20 of 1910 authorised loans by Government for the construction of dipping tanks and for the erection of fences extending the provision of the existing East Coast Acts.

ACT NO. 32, 1903.

“*For preventing the spread of the disease known as Rhodesian Redwater.*”

Short Title: “The East Coast Fever Act, 1903.”*

1.—*Interpretation.*—In this Act the expression “the Minister” means the Minister having charge of the Department of Agriculture. The expression “the disease” means the disease commonly known as Rhodesian Redwater, or East African Coast Fever.

2.—*Quarantine or Destruction of Infected Cattle.*—The Minister shall have power to quarantine or destroy or dip any cattle which may be reported to him to be infected with the disease, or to have mixed or been in contact with infected cattle, or which there are reasonable grounds for believing to have been upon infected land (that is to say, land on which infected cattle have been kept or pastured or over which they may have passed), or in any other way exposed to the risk of contracting the disease, or whenever he considers it necessary to do so in order to prevent the introduction or spread of the disease in the Colony.

3.—[Repealed by Act No. 34, 1906.]

* See Act No. 54, 1906, *post*.

4.—*Minister may Define a Zone from which Cattle shall be Removed.*—The Minister shall have power to define a zone of country along any border of the Colony, or around any infected area, or at any part of the Colony where it may be considered necessary, and to order that all such cattle or other animals as he may direct shall be removed from any such zone, and that no such cattle or other animals shall be allowed to enter or to be in such zone.

5.—*Power of Principal Veterinary Surgeon to Quarantine and order Dipping.*—The Principal Veterinary Surgeon shall have power, subject to the approval of the Minister, which shall be obtained as soon afterwards as conveniently may be, to quarantine any cattle or other animals when he considers it necessary to do so, and to order any cattle or other animals to be dipped or dressed in such way as he may direct for destroying ticks, before allowing them to be removed from a quarantine or an infected area.

6.—*Minister may order Dipping.*—It shall be lawful for the Minister to order that all cattle in the Colony or in any district thereof, and such other animals as he shall determine, shall be dipped or dressed at such time or times and in such manner as he may prescribe for the purpose of destroying ticks.

7.—*Removal and Isolation of Cattle within an Infected Area.*—The Minister shall have power to order the removal of cattle or other animals from one portion to another of an infected area, and to enforce the isolation of cattle or other animals on any specified portion of an infected area: Provided that no cattle shall be removed to or across a farm occupied by clean cattle.

8.—*Prohibition of Removal of Hay, Fodder, etc., out of an Infected Area.*—The Minister shall have power to prohibit the removal from an infected area into any other part of the Colony, or from one place to another within an infected area, of hay or fodder, or of any other thing which he considers likely to convey ticks or cause infection.*

9.—[Repealed by Act No. 54, 1906.]

10.—[Repealed by Act No. 54, 1906.]

11.—*Governor in Council may Order Adoption of Particular Method of Inoculation.*—The Governor in Council may, by notice in the *Government Gazette*, order that any method of inoculation or treatment described in such notice shall be adopted for the prevention of the disease.

*Section as amended by Sec. 13, Act 32, 1908.

After the publication of such notice,

- (a) The Principal Veterinary Surgeon, or any District Veterinary Surgeon, may order any cattle to be inoculated or treated according to the method described in the notice, if he shall have reason to believe that they are infected with the disease or have been exposed to the risk of infection, or are likely to spread the disease.
- (b) The Minister may, by notice in the *Government Gazette*, order that all cattle in any area or part of the Colony, shall be inoculated or treated according to the prescribed method.

The Regulations hereinafter provided for may prescribe the mode and conditions of effecting the inoculation or treatment, and in all matters necessary to be observed in connection therewith.

12.—*Enforcement of Orders.*—Any order of the Minister or Principal Veterinary Surgeon may be enforced by an officer of the Veterinary Department, or by any person whom the Minister may appoint for the purpose.

13.—*Failure to Obey Orders.*—The owner of any cattle or of any animal, or the person in whose possession or charge the same may be, shall promptly obey and carry out any order given for the isolation, quarantine, dipping, dressing or removal thereof, or any other lawful order made under this Act or the regulations. If he shall fail or neglect to do so, the District Veterinary Surgeon, or other officer, may carry out the order at the cost of the owner or such other person as aforesaid, who shall not thereby be relieved of any liability to punishment as hereinafter provided; and such cost shall be recoverable in the Court of the Magistrate of the Division in which the order shall have been so carried out, or in the Supreme Court of the Colony.

14.—*Duration of Quarantine.*—Quarantine or isolation of cattle or other animals under this Act shall continue for such time as shall be prescribed by the Minister or Principal Veterinary Surgeon.

15.—*Construction of Public Dipping Tanks.*—The Minister may construct tanks at public expense in any part of the Colony for dipping cattle or other animals, and may make such charges for dipping as he may see fit, and recover same from the owners of cattle or other animals dipped, or from the persons in charge of the same.

16.—*Regulations.*—The Governor in Council may from time to time make regulations for carrying out the purposes of this Act. Such regulations may, amongst other things, prescribe the mode of quarantine or isolation of cattle or other animals and the means to be used in enforcing the same, and may define the authority and duties of guards and the like.*

*See Sec. 8 of Act 54, 1906, *post*.

17.—*Publication thereof*.—Any regulations made under this Act, and any order declaring an infected area, or defining a zone in terms of Section 4, or ordering compulsory dipping in terms of Section 6, shall be published in the *Government Gazette* as soon thereafter as possible.

18.—*Compensation for Destruction of Healthy Animals*.—If upon the examination of the organs of any animal destroyed under the provisions of Section 2 of this Act it shall be ascertained by the Principal Veterinary Surgeon, or any District Veterinary Surgeon, and certified by the Minister that such animal was not suffering from the disease, the owner shall be entitled to be paid from the public revenue the value of such animal immediately before death: Provided that the payment shall in no case exceed the rates set forth in the Schedule to this Act.

19.—*Compensation for Loss by Creation of Zones*.—In the event of any person suffering any loss or damage in consequence of the creation of a zone in terms of Section 4 hereof, he shall be entitled to be paid from the public revenue the amount thereof: Provided that in the event of any dispute arising between such person and the Government as to the amount of such loss or damage the same shall be referred to a Board consisting of the District Veterinary Surgeon and two landowners, to be elected at a public meeting of landowners called by the Magistrate of the Division, who shall make a report thereon to the Minister, whose decision shall be final.*

20.—*Punishment for Contravention of Act or Regulations*.—Any person who shall contravene this Act or any of the regulations, or who shall disobey any order made thereunder, or who shall neglect to carry out any duty imposed upon him by the Act or the regulations, shall be guilty of an offence, and shall be liable, upon conviction in the Court of a Magistrate, to a fine not exceeding One Hundred Pounds (£100), or to imprisonment, with or without hard labour, and with or without the option of a fine, for any term not exceeding six months.

21.—*Saving of other Laws or Acts*.—Nothing in this Act shall be deemed to repeal or lessen the effect of any other Law or Act relating to diseases of animals.

New Clause.†—The Minister may at any time when he considers it necessary to do so to prevent the spread of the disease, order the removal of cattle from an infected area or from any place adjacent to an infected area, and dispose of them for immediate slaughter: Provided, however, that the owner of any such cattle shall have the alternative of disposing of the whole of the same by private treaty, for slaughter, within one week after notice has been given him in writing. If the owner shall so dispose

* Section as amended by Sec. 9 of Act 54, 1906.

† Added by Act No. 8, 1907.

of such cattle he must conform to all Government requirements, and all rules and regulations which may be in force regarding the removal of cattle. Cattle so taken shall be paid for at the rates specified in the Schedule to this Act.

Schedule.

| | £ | s. | d. |
|---|---|----|----|
| Yearling oxen or bulls, up to | 2 | 0 | 0 |
| Yearling heifers, up to | 3 | 0 | 0 |
| 2 year old oxen or bulls, up to | 3 | 0 | 0 |
| 2 year old heifers, up to | 4 | 0 | 0 |
| 3 year old oxen or bulls, up to | 4 | 0 | 0 |
| 3 year old heifers, up to | 5 | 0 | 0 |
| Cows, 4-8 years, with calves, up to | 7 | 10 | 0 |
| Cows, 4-8 years, without calves, up to | 6 | 10 | 0 |
| Oxen, over 4 years, up to | 7 | 0 | 0 |
| Cows, 8-12 years, with calves, up to | 6 | 0 | 0 |
| Cows, 8-12 years, without calves, up to | 5 | 0 | 0 |
| Old cows, with calves, up to | 4 | 0 | 0 |
| Old cows, without calves, up to | 3 | 0 | 0 |
| Bulls, 4 years and over, up to | 4 | 0 | 0 |

ACT No. 54, 1906.

"To amend Act No. 32, 1903, entitled 'Act for preventing the spread of the disease known as Rhodesian Redwater.'"

1.—*Construction of Act.*—This Act shall be read and construed with Act No. 32, 1903, as one Act.

The said Act No. 32, 1903, may be known as the East Coast Fever Act, 1903, and is in this Act referred to as the principal Act.

2.—*Repeals.*—Sections 3, 9 and 10 of the principal Act are hereby repealed, without prejudice to anything ordered or done, or any regulation made, or any liability incurred thereunder.

Any reference in this Act, or in the principal Act, to an infected area shall be understood as a reference to an area declared to be an infected area either under this Act or under Section 3 of the principal Act before the repeal thereof.

3.—*Powers in Regard to Infected Areas.*—The Minister shall have power to declare any area to be an infected area within the meaning of this Act, and to prohibit the ingress or egress of cattle or other animals into or from an infected area, to order or prohibit the removal of cattle or other animals from one part to another of an infected area, to enforce

* As amended first by Act No. 54, 1906, and subsequently by Act No. 8, 1907.

the isolation of cattle or other animals on any specified part of an infected area, to fence off any area declared to be infected as aforesaid, and in all respects to control the movement of cattle and animals in, into, from, or over an infected area.

The Minister may also make such orders as may be required for giving effect to the powers conferred by this section.

The Principal Veterinary Surgeon or any District Veterinary Surgeon or Stock Inspector shall have power, pending the instructions of the Minister, to exercise the powers given by this section to the Minister. He shall promptly report any order so made to the Minister, who shall take such action thereon as he may think proper.

The Governor in Council may from time to time make regulations for carrying out the provisions of this Act. Such regulations shall amongst other things make provision for the formation of Committees in the different Magisterial Divisions for the purpose of advising and assisting the Minister in all such matters arising out of this Act and Act No. 32, 1903, as may be submitted to them.*

4.—*Branding of Cattle.*—The Minister shall have power to order any cattle within an infected area to be branded in such manner and with such marks as he may direct.

5.—*Quarantine or Destruction of Cattle.*—The Principal Veterinary Surgeon or any District Veterinary Surgeon may order the destruction or quarantining of any animal which shall have been brought into this Colony in contravention of this Act or of Law No. 13, 1866, or Act No. 38, 1894, or which may stray into, out of, or within an infected area, or which may be removed into, out of, or within an infected area without the written permission of a District Veterinary Surgeon, Stock Inspector, or other person authorised by the Principal Veterinary Surgeon for the purpose, and no person shall be entitled to compensation or payment in respect of any animal which may be so quarantined or destroyed.

6.—*Powers of Landlord in respect of Cattle Trespassing.*—If any cattle not exceeding five in number shall stray into or cross any land within or immediately joining an infected area, the owner or occupier of the land may destroy such cattle unless they are travelling along a public road or right of way and the person in charge of such cattle is in possession of a permit to move the same granted by a District Veterinary Surgeon or Stock Inspector, or any person authorised by the Principal Veterinary Surgeon to give such permits, and the cattle are being moved in accordance with the permit; and he shall not be liable to pay compensation for any cattle so destroyed unless it shall appear to the Court

* Advisory Committee Regulations were published in the *Government Gazette* for June 20, 1908; November 10, 1908; and September 7, 1909.

that they were destroyed recklessly or wantonly, and without reasonable cause.

If the number of cattle so straying on to or crossing the land exceeds five the owner or occupier of the land may secure them and report the case to the District Veterinary Surgeon or Stock Inspector, who may deal with them in manner as provided in Section 5, without any liability for compensation.

In addition to any liability for damages or otherwise the owner and any other person responsible for the cattle which may have so strayed on to or crossed the land shall be liable to pay the expenses of and incidental to the detention and destruction or quarantining of the cattle.

Cattle so taken shall be paid for at the rates respectively set forth in the Schedule of this Act.

7.—*Interference with Fences.*—No person shall, under pain of contravention of this Act, remove or in any way interfere with any fence erected or maintained for any purpose connected with the suppression of the disease, whether such fence be his own property or not, unless he shall have first obtained the written consent of the District Veterinary Surgeon or Stock Inspector.

This section shall apply to any Magisterial Division which may be named in an order made by the Minister and published in the *Natal Government Gazette* declaring such Division to be brought within the operation of this section.

Any such order may be revoked, varied or renewed by the Minister from time to time.

8.—*Regulations under the Principal Act.*—The regulations under Section 16 of the principal Act may, amongst other things, prescribe the conditions under which cattle or other animals may be moved from place to place at any time when it may be considered necessary to regulate their movement in order to prevent the spread of the disease.

9.—*Amendment of Principal Act.*—The words “shall be referred to arbitration” at the end of Section 19 of the principal Act are hereby expunged, and the following substituted therefor: “Shall be referred to a Board consisting of the District Veterinary Surgeon and two landowners, to be elected at a public meeting of landowners called by the Magistrate of the Division, who shall make a report thereon to the Minister, whose decision shall be final.”

10. If any question shall arise whether any regulation made by the Governor in Council, or any order made or act done by the Minister is within the powers conferred by this Act or by the principal Act, or as to the lawfulness or authority of any act or order of the Principal Veterinary Surgeon or of an officer of his department, and if a certificate under the hand of the Minister is presented to any Court before which such

question is brought, that in the opinion of the Government there is urgent need in the public interest for such regulation, act or order, the Court shall not have power to make any order restraining or interfering with the enforcement of such regulation or order, or the carrying out of such Act.

Any such question shall be deemed to be brought before a Court if any suit, appeal, or application is made in which the validity or lawfulness of a regulation, order, or act is either directly or indirectly brought into question.

11. The Schedule of the Principal Act is hereby repealed and the Schedule of this Act is substituted therefor, and Section 18 of the Principal Act shall be construed accordingly.*

ACT NO. 6, 1907.

"To provide for the compulsory fencing of lands within the Colony of Natal."

2.—*Erection of Fences.*—(a) For the purpose of preventing the spread of the cattle disease known as East Coast Fever, and notwithstanding anything contained in the Fencing Law, 1887, or the Laws and Acts amending the same, the Minister of Agriculture may, with the approval of the Governor in Council, cause to be erected fences along the boundaries of any farms within an infected or suspected area or of any native location or of any town lands within such area.

(b) The term "fence" in this Act shall mean a fence approved by the Minister of Agriculture.

3.—*Cost of Erection and Recovery.*—(1) The cost of erecting any fence along the boundaries of any farm shall be in the first instance defrayed out of moneys voted by Parliament. Such cost shall be repaid, together with interest thereon at the rate of five per centum per annum, by thirteen yearly instalments, the first payable two years after the fence is completed. Such instalments shall be calculated and fixed so that the said cost with interest thereon shall be wholly repaid within a period of thirteen years from the date on which the first instalment falls due.

(2) Such repayments of cost and interest shall be made by the owner of any farm fenced under the last preceding section or if the fence divides the farms of adjoining owners then each such owner shall pay one-half the cost of the part of the fence dividing such farms together with the interest aforesaid.

* The amended Schedule referred to in this Section was itself repealed by Act No. 8, 1906, and a fresh Schedule substituted. From considerations of space this later Schedule is not printed here, but will be found at the end of Act No. 32, 1903 *ante*, as well as, of course, in conjunction with Act No. 8, 1906.

(3) The term "owner" in this and the following sections shall mean the person registered as the owner in the office of the Registrar of Deeds, and the term "farm" shall include any portion of a farm.

(4) Should any farm or area be bounded by any river bank, donga or spruit, the Minister of Agriculture shall have the power to erect the fence along some more convenient line. In such event the cost of the fence shall be borne solely by Government, who shall have the right to dispose of or remove the same when desirable.

(5) Where the adjoining land is Crown land or held by the Natal Native Trust, the Government, or the Natal Native Trust, as the case may be, shall bear one-half of the cost of the fence.

4.—*Cost to be a Lien on the Property Fenced.*—The Minister of Agriculture shall notify in writing to the Registrar of Deeds the amount due by any owner under this Act, and the Registrar of Deeds shall upon receipt of such notification note the said amount in the Land Register and shall deliver to the Minister of Agriculture a certificate setting forth such amount and the date of the note. The cost of such fencing shall be a first charge and lien in favour of the Government upon the lands so fenced, and such lien shall have priority over any existing mortgage thereon. An entry shall be made by the Registrar of Deeds in the Public Debt Register of the particulars of such debt due to the Government, and of the lien upon the land.

5.—*Additional Rent Charge in case of Leases.*—Where any such farm aforesaid held under lease has been enclosed by a fence erected under this Act during the term of the lease, the lessors shall be entitled to receive from the lessee as from date when such farm became so enclosed a payment of five per cent. per annum on any sum he may have paid to the Minister of Agriculture under Section 3, and such payment shall be made with the rent of the farm and shall be deemed in law to be part of such rent.

6.—*Municipal Corporations and Local Boards.*—Whenever the Minister of Agriculture shall have incurred any cost in respect of the fencing under this Act in respect of any town lands which may have become vested in the Corporation of any Borough or the Local Board of any Township, the cost shall be repayable by such Corporation or Local Board in the manner provided by Sub-section 1 of Section 3 of this Act.

7. *Contributions of Material and Labour a Set-Off.*—Nothing in the foregoing sections shall be deemed to prevent any person liable for the cost of the erection of a fence under this Act from contributing approved material or labour or transport towards the cost of such fence, and any such contribution shall be set off against the amounts mentioned in the said sections respectively according to a value to be determined in the absence of agreement by the Magistrate of the district.

8.—*Fencing Roads, Boundaries, etc.*—The Minister of Agriculture may cause to be fenced (1) Any roads, whether public or private, traversing any part of the Colony; (2) Any boundaries of the Colony or outspan in the Colony; and the cost of any fence erected under the powers of this section may be defrayed entirely out of the moneys voted by Parliament for the purposes of this Act.

9.—*Act to be Construed with Fencing Law.*—This Act shall be read and construed in conjunction with the provisions of the Fencing Law of 1887 and the amending Acts so far as the same may be applicable thereto; and the Minister of Agriculture shall have power to direct owners to properly maintain and keep in good repair any fences; and, failing their compliance, he may carry out such repair at the owner's cost, subject to the provisions of Section 3 of this Act. No person shall remove or in any way interfere with any fence erected or maintained under authority of this Act.

10.—*Regulations.*—The Governor in Council may from time to time make regulations, and any person who shall contravene such shall, upon conviction in the Court of a Magistrate, be liable to a fine not exceeding Ten Pounds (£10), or in default to imprisonment with or without hard labour for a period not exceeding one month.

11.—*Punishments.*—Any person who shall contravene Section 9 of this Act shall, upon conviction in the Court of a Magistrate, be liable to a fine not exceeding Twenty-five Pounds (£25), or to imprisonment with or without hard labour for any period not exceeding six months.

ACT No 32, 1908.

"To amend the East Coast Fever Acts."

1.—*Powers of Committees to Order Erection of Gates and Fences.*—Any committee appointed in pursuance of the regulations under Section 3 of Act No. 54, 1906, shall, whenever they consider it necessary, in order to prevent the spread of East Coast Fever, have full power within the district for which such committee is appointed:

- (a) To require any person to erect one half of such boundary fences on his farm or land as they may direct and to keep the same in good order and repair*:

The fences shall be of such kind and standard as the committee may prescribe, but not of a more expensive character than those required by the Fencing Laws Nos. 30 and 36, 1887;

* Sub-section as amended by Sec. 6 of Act No. 20, 1910.

- (b) To authorise or to require any person to erect gates across any main or public road or any by-road and to maintain them in good repair;

The gates shall be of such kind as the committee may direct: Provided that any gates which the committee may under their compulsory powers order to be erected shall be in keeping with the character of the fences which the committees are by this Act authorised to require.

Any order signed by the chairman or secretary of a committee shall be sufficient proof that the same has been made by the committee.

The word "committee" wherever used in this Act shall include sub-committees.

2.—*Gates on Main Roads.*—Gates erected across main roads shall be swing gates not less than fourteen feet wide; such gates shall have a balance catch or other free fastener, and shall be of such construction as the committee shall determine.

3.—*Cost of Fence or Gate.*—The cost of erection, maintenance and repair of any fence or gate required under this Act shall be borne by the owner of the land, provided that in so far as any fence substantially constitutes a dividing fence between land belonging to different owners, the person erecting the fence may require the other owner to pay him half the cost of erecting and maintaining such dividing fence or gates.

Where in the opinion of the committee the owner is unable to undertake the cost of erecting such fence with any gates that may have been ordered, the Minister may in his discretion, and subject to the provision of the necessary money by Act of Supply, direct that the cost be defrayed in the first instance by the Government, and in such a case the provisions of Section 3 of Act No. 6, 1907, shall apply in regard to the repayment of the cost with interest.

4.—*Attendants at Gates.*—It shall be the duty of the committee by whose orders any gate has been placed across a public road to place attendants in charge of the gate at all times, whose duty it shall be to prevent any cattle from passing without the proper permit which may be required for that purpose.

In any case in which a gate has been authorised by the committee on application to them the duty of placing and keeping attendants in charge shall rest with the applicant.

5.—*Minister to take Advice of Committees.*—Before making any order under the authority of Acts No. 32, 1903, and No. 54, 1906, or this Act, the Minister shall, if time permits, inform the committees for the districts affected thereby of the proposed action, in order to receive their advice thereon.

6.—[Repealed by Act No. 20, 1910.]

7.—*Punishment for Wilfully Conveying Ticks.*—Any person found in possession of, or who knowingly conveys, a tick or ticks from any place to any other without the authority in writing of the Minister of Agriculture, or who knowingly and wilfully does any act calculated to spread the disease of East Coast Fever, shall be guilty of an offence cognisable in the Court of a Magistrate and punishable by imprisonment with or without hard labour for a term not exceeding five years.

8.—*Powers of Committees.*—The regulations under Acts No. 32, 1903, and No. 54, 1906, may empower the several committees, subject always to any orders or instructions given by the Minister, to exercise the following powers within their respective districts:—

- (a) To decide all matters relative to the movement, quarantine, isolation, branding, dipping, or cleansing of cattle, and of things likely to carry infection, and to issue and enforce such orders for that purpose as the Minister is by the aforesaid Acts empowered to make.
- (b) To appoint permit officers for the issue of any permits required for the removal of cattle or for any other purpose for which permits may be required.
- (c) To order and enforce the destruction of cattle under the provisions of Section 6 of Act No. 54, 1906.

9.—*Disobedience of Orders.*—Any person who wilfully disregards the order of a committee made under the provisions of this Act shall be liable to the same penalties as are provided for the disobedience of orders made under Act No. 32, 1903, and if any person fails to erect or maintain in good order and repair any fence or gate as required under this Act the committee may engage any other person to do the work and may recover from the owner of the land the whole cost of such work done and any costs incurred in a suit in the Magistrate's Court at the instance of the chairman.

10.—*Charges and Rates Leviable by Committees.*—A committee may make charges for the issue of permits for the removal of cattle and for any other permits issued by any member thereof or by any person appointed by them for that purpose, such charge not to exceed one shilling for each permit issued.

A committee may also levy a rate on cattle owners, other than Natives who are not landowners, in the district, such levy not to exceed sixpence per head per annum on the cattle owned by such persons.

Such charge may be enforced by process for recovery by civil suit in the Court of a Magistrate by the Chairman of the Committee exercising authority over the district in which the cattle owner resides or in which such owner's cattle are found.

The monies so received shall form a fund for defraying the expenses incurred by the committee, including payment of railway fares of members when travelling on committee business, but not including personal expenses of members, in carrying out their duties.

11.—*Exclusion of Native Locations and Reserves.*—The powers given by this Act or the regulations to committees shall not extend to any Native location, or any Native reserve in the Province of Zululand, or to any Native mission reserve.*

12.—*Minister may Prohibit Cattle Dealing without Permit.*—The Minister may from time to time, by Order published in the *Natal Government Gazette*, direct that no person shall buy, or acquire by barter, or gift, or otherwise, any cattle within any specified part or parts of the Colony, except under and subject to the conditions of a permit granted by the Minister for that purpose.

Every such permit shall state the division or district within which it is to be used, and the conditions, if any, to be observed.

The issue of a permit shall be in the discretion of the Minister and a permit may at any time be revoked by him.

13.—*Amendment.*—The words “or from one place to another within an infected area” shall be inserted after the word “colony” in Section 8 of Act No. 32, 1903.

14.—*Holding over Land after Expiration of Lease.*—(1) Any tenant of land who keeps thereon ten or more head of cattle and who at the expiry of his lease is prevented, in consequence of an order made under any of the Acts relating to East Coast Fever or other cattle diseases, from removing the cattle to another place where he would otherwise be able to keep them, shall have the right to hold over and retain the land in the same manner as if the lease were extended until the disability occasioned by the order ceases.

(2) Nothing in this section shall be deemed to relieve any person from the other obligations of his lease or to prevent his being ejected on account of a breach thereof.

(3) If the circumstances are such that the whole of the land is not required by the tenant for the purpose of keeping and grazing his cattle, but that a part thereof can be set apart (including, in those cases where the tenant resided on the land during the lease and stabled his cattle there, a suitable residence for the tenant and accommodation for his cattle), the landlord may, at his option, upon the expiry of the lease, resume the remainder

* Section as amended by Se. 4 (1) of Act No. 20 1910.

of the land, and the tenant shall be required to pay him such rent only as bears the same proportion to the whole rent under the lease as the value of the part retained to the whole.

- (4) The word lease as used in this section refers to any written or oral agreement of lease, sub-lease, or the like, and where a tenant is authorised to remain in possession of land previously held under a sub-lease, the owner of the land and all intervening lessees shall be required to allow the land to be retained in accordance with this Act.
- (5) Any question arising under this section may be brought before the Magistrate by way of application on notice. The Magistrate may take or call for such evidence as he may require, and may refer any question for the report of some competent referee and may adjudicate upon the question at issue. The costs of all proceedings and expenses of reference shall be borne as the Court shall direct.

15.—*Value of Cattle Taken.*—If the price to be paid by the Government for any cattle taken under the provisions of Act No. 8, 1907, be not agreed between the Government and the owner, it shall be decided by the valuation made by three persons, one appointed by the District Veterinary Surgeon, or in his absence by the officer representing the Department, one by the owner, and one by the Chairman of the Committee for the district. The valuation shall be decided by the votes of a majority of the three persons aforesaid, provided that the valuation shall in no case exceed the rates appointed by the schedule of the said Act.

ACT NO. 20, 1910.

“To authorise loans by Government for the construction of dipping tanks and the erection of fences and to extend the provisions of the East Coast Fever Acts.”

1.—*Minister may Advance Cash or Supply Fencing Material on Loan.*—The Minister of Agriculture may, upon application, make loans to owners of land, or to lessees or other occupiers of land, to assist them in constructing dipping tanks for cattle and in erecting fences within the boundaries of their farms. Any person other than an owner must furnish approved security for the proposed loan. The Minister may, in place of making a loan for purposes of fencing, supply fencing material, and in such case the price charged by the Government for such material, together with all cost of carriage and incidental expenses, shall, for the purposes of this Act, be deemed to be a loan. An account certified by the Chief Accountant of the Department of Agriculture shall be sufficient evidence

of the amount of such loan. The regulations under this Act may prescribe all details and procedure in connection with the granting of loans, but no loan for the construction of a dipping tank shall exceed £100, and payment will not be made until the tank is satisfactorily completed and ready for use. The word "owner," as used by this Act, means a registered owner or the holder under certificate of sale or allotment of land bought from the Government.

2.—*Repayment of Loans.*—All such loans shall be repaid, together with interest thereon at the rate of five per cent. per annum, by thirteen equal yearly instalments, the first payable two years after the date on which the loan is made or the fencing material is first supplied by Government, subsequent instalments being payable at the end of each period of twelve months from the due date of the first instalment. Nothing in this section shall, however, prevent a borrower from paying off his whole liability, with interest to date of payment, at any time if he should wish to do so.

3.—*Liability of Successive Owners for Payment.*—In the case of a loan to an owner, the unpaid instalments, with interest, shall be payable by the owner for the time being of the land upon which the dipping tank was constructed, or the fencing erected, for which the loan was made. Every such owner shall accordingly be liable for the instalments and interest as they fall due in the same way as if the loan had been made to him, and he shall be entitled to recover any sums which he may have paid from the person to whom the loan was actually made unless such claim has been mutually adjusted in the price of the land or otherwise. In the case of a loan to a tenant, he and his successors in the tenancy shall, together with the sureties, be liable for the instalments falling due during the tenancy and for the interest thereon, and any further instalments, with the interest thereon, shall be payable by the owner for the time being, in accordance with the provisions of the first paragraph of this section.

4.—*Amended System of Local Option in regard to the Enforcement of Dipping.*—(1) Section 6, and the reference thereto in Section 11 of Act No. 32, 1908, are hereby repealed.

(2) The Minister, acting with the Advisory Commission established under this Act, may by notice in the *Government Gazette*, divide any Magisterial Division into two or more districts for the purposes of this section.

(3) The Magistrate of any Division shall, upon receiving a requisition signed by not less than fifteen persons, being registered voters and owning cattle in the Division, or in any such district as aforesaid, call a meeting of cattle-owners, being registered voters of the Division or district, as the case may be, to consider the question of enforcing the dipping or cleansing of cattle.

- (4) Notice of the time and place appointed for the meeting shall be published four times in some newspaper or newspapers circulating in the Division, the first notice being published two weeks at least before the appointed time.

The Magistrate or his deputy shall preside at the meeting. Any person being a registered voter and owning cattle within the Division or district, as the case may be, may attend and vote at the meeting.

The meeting may be postponed to a convenient date, if necessary, on account of stress of weather, or for any other reason which the Magistrate may consider proper. Notice of such a postponement of the meeting shall be published as aforesaid at least twice.

- (5) If the meeting be attended by not fewer than thirty persons entitled to vote (of which the Chairman shall decide), and a resolution be passed by the majority in favour of compulsory dipping or cleansing, the Magistrate shall report the same to the Minister, who shall thereupon issue an order making it compulsory for all cattle within the Division or district, as the case may be, to be dipped or cleansed in such manner and at such intervals as he may prescribe, and such order may be enforced by the several Advisory Committees within the Division or district, or by any persons whom the Minister may direct to execute such order.

If the meeting be not attended by the prescribed number of qualified persons, or if such resolution as aforesaid be not passed, the Magistrate shall not be again required to convoke a meeting within the next three months.

- (6) For the purposes of this section, every municipal borough or township established under Law No. 11, 1881, or a like Act, shall be regarded as a district within the meaning of the preceding sub-sections, and the remainder of the Magisterial Division in which such borough or township is situated shall be treated as if it were an entire Division.

- (7) In every borough or township in which a resolution has been passed, and an order made by the Minister as aforesaid, the Town Council or Local Board shall be required to construct and maintain so many good and sufficient dipping tanks for cattle as may, in the opinion of the Principal Officer of the Veterinary Department, be required for the dipping of cattle in such borough or township.

Should any Town Council or Local Board fail to construct the required number of tanks within a time to be notified by such officer after the issue of such order as aforesaid, or to maintain them ready and fit for use, the Minister shall be empowered to construct such tanks or to repair or maintain them, and the expense incurred shall be recoverable from the Town Council or Local Board.

- (8) The Natal Native Trust shall, in like manner, be required to erect and maintain dipping tanks in any Native Location or Mission Reserve whereof they are trustees, situated within a Division or district in which a resolution has been passed and an order made as aforesaid.

5.—*Advisory Commission.*—The Governor in Council shall, in the month of March in each year, or so soon thereafter as may be, appoint five persons having a practical knowledge of cattle-farming, and not being in the Government employ, to be an Advisory Commission, the function whereof shall be to offer advice to the Minister upon any subject connected with the administration of the East Coast Fever Acts and the suppression of the disease. The Commission may elect its own chairman.

6.—*Amending Powers of Committee to Order Fencing.*—Sub-section (a) of Section 1 of Act No. 32, 1908, is hereby repealed, and in place thereof is enacted the following sub-section:—

- (a) To require any person to erect one half of such boundary fences on his farm or land as they may direct, and to keep the same in good order and repair. The fences shall be of such a kind and standard as the committee may prescribe, but not of more expensive character than those required by the Fencing Laws Nos. 30 and 36, 1887.

7. The Governor may from time to time make any regulations required for the purposes of this Act.

III.—LUNGSICKNESS.

[LAWS.—Act 30, 1897; Act 15, 1907.]

Act No. 30 of 1897 is the principal Act in existence for the purpose of dealing with Lungsickness. It provides for the appointment of Inspectors for the purpose of examining cattle, and for the granting of licenses to the owners of infected herds for periods of three months, the license being renewed at the end of three months if the disease has not been eradicated by drenching or inoculation or by other means within

that time. These licensed cattle have to be isolated, and the owner is liable for any damage caused by the trespass of such cattle. In all sales, public or private, the responsibility lies with the vendor; and recently inoculated or drenched cattle are not to be put up for sale. Lungsick cattle found in public places may be destroyed. The Act also makes provision for the declaration of infected areas. Provision is made for dealing with infected cattle in pounds.

The above does not exhaust the provisions made by this Act, but includes all the more important ones.

Act No. 15 of 1907 merely amends the above Act in so far as compensation for the destruction of cattle by order of the Veterinary Department is concerned.

ACT No. 30, 1897.

"For the better prevention of Lungsickness among the Cattle of the Colony."

Short Title: "The Lungsickness Prevention Act, 1897."

3.—*Interpretation of Terms.*—In this Act the expression "owner," when used with reference to the ownership of cattle, shall mean the actual owner, or the person in whose possession or control such cattle shall be for the time being, or the occupier or lessee of land on which the cattle shall then be with his knowledge and consent; and in cases where cattle, the ownership of which is in dispute, belong to, or are running with, the cattle belonging to any Native kraal, the expression "owner" shall mean and include the headman of the kraal or group of kraals to which such cattle may belong, or at which such cattle may be running or may be kraaled; and where cattle shall be found grazing or running on land the property of any borough, or township proclaimed under Law No. 11, 1881, or on waste lands of the Crown, or on any lands set apart for any township or village, the expression "owner" shall mean the person in whose use or possession, or under whose control, or in whose charge such cattle last were or had been within one month previous to the time of their being so found grazing or running.

The expression "owner" is furthermore to "include a partnership, company, or corporation."*

The word "vendor" in this Act shall, in all cases where the person instructing any agent or auctioneer to sell any cattle resides within this Colony, be taken and deemed to mean the person so instructing the said

* Amendment introduced by Sec. 1 of Act No. 15, 1907.

agent or auctioneer; but where the person so instructing the said agent or auctioneer resides beyond the boundaries of this Colony, then the agent or auctioneer so instructed shall be taken and deemed to be the "vendor" of such cattle for all the purposes of this Act, unless, in the case of an auctioneer, such auctioneer shall, before offering each lot of cattle for sale, announce that such cattle are from beyond the boundaries of the Colony: Provided, however, that this exception in favour of an auctioneer shall not apply in any case where it shall be proved that the auctioneer, during the time that the cattle in question were being offered for sale, refused to inform any person whether the said cattle were from beyond the Colony on such persons making enquiry of him to that effect.

The terms "cattle" and "animal" include all animals of the ox tribe.

The term "Magistrate" shall include any Assistant Magistrate.

The term "herd" shall include a single animal, or any number of cattle running together.

The term "inoculation" shall mean the subcutaneous introduction into the system of cattle of the specific virus of lungsickness.

The term "drench" shall mean the internal administration of virus taken from the lung or chest of the animal infected with lungsickness.

"Lungsickness" shall mean the disease known as pleuro-pneumonia.

4.—*Responsibility of P.V. Surgeon.*—The Principal Veterinary Surgeon of the Colony shall be responsible for carrying out the provisions of this Act, and of any orders, rules, and regulations made under authority of this Act throughout this Colony.

5.*—*Appointment of Inspectors.*—The Minister of Agriculture may from time to time appoint an Inspector or Inspectors of cattle for this Colony, or for any district thereof, and may from time to time remove or dismiss such Inspector or Inspectors; and every person so appointed shall have full power, should he have reason to believe that any cattle may be infected with lungsickness, at any time to inspect such cattle within this Colony, or the district thereof for which he shall be appointed, wherever such cattle may be kept, driven or depastured, and shall have, exercise, and discharge within this Colony, or the district thereof for which he shall be appointed, the several powers, authorities, and duties hereinafter mentioned, and if any person shall refuse to allow any Inspector to enter upon his land, pasturage, or premises, or to examine any cattle belonging to him, or in his care or possession, or shall attempt to impede or hinder any Inspector from examining such cattle, or shall give false information regarding the last outbreak, or shall not, when required by any Inspector, render him every reasonable assistance, or, after demand made by the Inspector, shall fail to collect and produce to him within

* As amended by Sec. 3 of Act No. 15, 1907.

reasonable time his herd or herds of cattle, such person shall, on conviction before any Magistrate, forfeit and pay any sum not exceeding Ten Pounds Sterling for each offence, or in default of payment thereof, be imprisoned for any period not exceeding two months.

6.—*Appointment of Other Officers.*—The Minister of Agriculture may, from time to time, appoint, and remove, Inspectors to enforce and carry out in Native Locations the provisions of this Act, and such other officers throughout the Colony as may be necessary for the purposes of this Act, all which inspectors and officers shall be officers of the Department of the Principal Veterinary Surgeon of the Colony.*

7.—*Offence of Obstructing Officer in Execution of his Duty.*—If any person obstructs or impedes an officer acting in execution of this Act or of any orders, rules, or regulations thereunder, he and every person aiding and assisting him therein shall be guilty of an offence against this Act, and the officer, or any person whom he calls to his assistance, may seize the offender and take him before a Magistrate, to be dealt with according to law.

8.—*License to Keep Infected Herd.*—In the event of any herd being declared by a Government Veterinary Surgeon or such Inspector to be infected with the disease of lung sickness, the owner of such herd shall be granted a license, conforming as near as may be to the form of license set forth in Schedule B, to keep such cattle for a period of three months for the purpose of drenching or inoculating the herd and at once destroying any animal which a Government Veterinary Surgeon or Inspector declares to be showing symptoms of lung sickness. Every such license shall contain a condition that the cattle thereby licensed shall, at the owner's option, be at once drenched or inoculated to the satisfaction of the Inspector, and that all animals showing symptoms of the disease shall be immediately destroyed. At the expiry of such license the Government Veterinary Surgeon or Inspector shall re-inspect such herd, and should there have been a case of lung sickness in such herd within the period of the license, the license shall be renewed for a further period of three months, dating from such last appearance, and such inspection shall be renewed every three months until such herd is found free from the disease. No cattle shall be allowed to be removed from the land on which they are licensed until the Government Veterinary Surgeon or Inspector shall declare the herd clean, under a penalty not exceeding Twenty-Five Pounds Sterling, or, in default of payment thereof, to imprisonment not exceeding three months.*

9.—*Owner to give Notice of Outbreak of Disease.*—On the outbreak of lung sickness in any herd of cattle, or, should there be no outbreak, in

* As amended by Sec. 3 of Act No. 15, 1907.

the case of inoculation or drenching, the owner of such cattle shall forthwith give notice of the disease, either by word of mouth in presence of a witness, or in writing, to the owners or occupiers of adjoining properties, if resident, and, if not resident, then to the servants of such owners or to any other person occupying the land, and to the District Veterinary Surgeon, or to the Local Inspector appointed under this Act, who shall thereupon inform the Principal Veterinary Surgeon of the Colony. In case of neglect or failure to comply with the requirements of this section, the owner of such cattle shall, on conviction, be liable to a fine not exceeding Twenty Pounds Sterling for each such offence, and in default of payment be imprisoned for a period not exceeding three months.**

10.—*Licensed Cattle to be Isolated.*—All cattle so licensed shall be isolated by herding, or otherwise, at a distance not less than ten yards from the boundary of the property on which they are licensed, and from any public road.

For every breach of this provision the owner shall be liable, upon conviction in the Court of a Magistrate, to a fine not exceeding Thirty Pounds Sterling, or, in default of payment, to imprisonment with or without hard labour for any term not exceeding six months:

Provided that should it be proved to the satisfaction of the Government Veterinary Surgeon or Inspector in the case where a farm is intersected by a public road or roads, that it is absolutely necessary for licensed cattle to cross or be driven along such road or roads on such farm the Inspector is empowered to allow such removal under the restrictions contained in Section 13 of the principal Act.†

11.—*Liability of Owner for Damage Caused by Trespass of Cattle.*—Any owner allowing cattle from a licensed herd to trespass, shall be liable for all damage caused by such trespass to any herd with which the diseased cattle so trespassing may have come in contact: Provided always, that infection be proved by the outbreak of lungsickness, to have been communicated within twenty-one days by such contact, and that immediate notice has been given to the owner, if known, or as soon as known, of such cattle so trespassing.

12.—*Destruction of Infected Cattle not being on their Owner's Land.*
 †—If any cattle being on or driven along any public road, highway, or street, or on lands set apart as commonage for any town or village, or for public outspan, or on land which is not in the lawful occupation of the owner of such cattle, should show symptoms of being infected with lungsickness, the person in charge of such cattle shall immediately destroy

* As amended by Sec. 4 of Act No. 15, 1907.

** As amended by Sec. 5 of Act No. 15, 1907.

† As amended by Sec. 7 of Act No. 15, 1907.

such cattle, and have them buried or burned, or otherwise destroyed; and in case of his failing to do so, shall, on conviction, pay a fine not exceeding Twenty-five Pounds Sterling, or in default thereof be imprisoned for a period not exceeding three months.

13.—*How Remainder of Cattle are to be dealt with.*—The remainder of such cattle shall not be driven along any public road, township, outspan, street or village, without the owner first informing the nearest Magistrate, Fieldcornet, or Inspector, who shall place such cattle under license, and who, at his discretion, may order such cattle either to be isolated, as provided for under Sections 8 and 10 of this Act, or forwarded to their destination under supervision, and by sending a person or persons, at least one hundred yards in advance of such cattle, to warn travellers of the approach of infected cattle, and to prevent such cattle coming in contact with any cattle that may be at, on, or near, a public road, outspan, highway, street, or village, under a penalty not exceeding Twenty-five Pounds Sterling, or in default of payment thereof, to imprisonment for any period not exceeding three months, and shall further be liable for any damage caused through infection, as provided in Section 11 of this Act.

14.—*Application of Section 12 to Cattle Seized by Officer of Government.*—The provisions of Section 12 of this Act shall apply to any cattle seized, levied on, or forfeited by any officer of the Government or of the law, and to any person who may remove any such cattle.

15.—*Public Auction: Implied Warranty against Lung sickness.*—Whenever any cattle shall be sold at any public auction, or by the market master at any public market, the auctioneer or market-master shall be bound to warrant, and shall be deemed to have warranted, all and every such cattle to be free from lung sickness, and if any such cattle shall die of or exhibit symptoms of being infected with such disease within fourteen days from date of sale, exclusive of such day, the auctioneer or market-master may be sued under such implied warranty for restitution of the price paid for such diseased cattle. The provisions of this section shall not apply to sales of cattle by poundmasters under the provisions of the Pound Law, 1874, or Law No. 16, 1880.*

16.—*Liability of Vendor in Public Sales.*—If any person who shall purchase cattle at any public auction, or at any public market, shall prove that he has sustained damage from lung sickness which may have broken out within thirty days after the date of such purchase in the herd which was in his possession at the time he bought such cattle, and that any of the cattle so bought have shown symptoms of lung sickness previous to any animal belonging to the said herd showing such symptoms, and if it shall be proved that the vendor was aware, or had sufficient opportunity to be

* Both these Laws were repealed by Act No. 42, 1898.

aware, that any such cattle were so diseased, or had been running among cattle so diseased, at or within two months previous to the time of sale, then such vendor shall be liable to make good all loss or damage which the vendee may have sustained by reason of such diseased cattle so purchased communicating such disease to cattle the property of the purchaser.

17.—*Private Sales: Implied Warranty by Vendor.*—In all private sales of cattle the vendor shall be deemed to have warranted the same, and shall be in all respects liable under such implied warranty as if such cattle had been sold at a public sale, unless it shall have been otherwise stipulated and agreed in writing between the vendor and vendee, or their agents.

18.—*Recently Inoculated or Drenched. Cattle not to be brought to Public Sale.*—It shall not be lawful to expose for sale, or to sell at any public auction, or at any public market, any inoculated or drenched cattle, unless the same shall have been inoculated or drenched not less than six weeks previously to the day of sale; and if any person who shall purchase any such cattle shall prove that the same have been inoculated or drenched within six weeks previous to the day of sale, he shall be entitled to annul the sale, and sue the vendor for restitution of the price paid for such cattle, and for all loss or damage which the vendee may sustain in the event of such diseased cattle communicating lung sickness to other cattle.

19.—*Private Sales: Implied Warranty against recent Inoculation, etc.*—Whenever inoculated or drenched cattle shall be sold in any private sale, the vendor shall be deemed to have warranted that the same have not been inoculated or drenched within six weeks previously to the date of the sale; and if the vendee shall prove that they have been so inoculated or drenched within such period of six weeks he shall be entitled to annul the sale, and to sue the vendor for restitution of the price paid for such cattle; and if it shall be proved that the vendor was aware that any such cattle had been inoculated or drenched within the period of six weeks prior to the day of sale, then such vendor shall, in addition, be liable to make good all loss or damage which the vendee may sustain in the event of such cattle communicating lung sickness to other cattle: Provided such warranty may be waived or modified by written agreement between the vendor and the vendee, or their agents.

20.—*In Action for Damages Vendee to prove steps taken to Prevent Spread of Disease.*—It shall be incumbent on the vendee, when suing for damages, to show that he has taken precaution to prevent the spread of lung sickness amongst his herd as soon as he saw any symptoms that such disease had broken out amongst the said purchased cattle, and that he had, with that view, taken care, as far as possible, to keep the said purchased cattle separate from the said herd, after the discovery of such

symptoms, as aforesaid, and the extent to which such precautions shall have been taken shall be considered by the Court when awarding damages.

21.—*Forms and Proceedings to be taken by Vendee.*—No action for restitution of the purchase price of any such purchased cattle which may have shown symptoms of lung sickness, or for damages caused by such cattle communicating the disease, shall be sustained under the provisions of this Act, unless, within forty-eight hours of the first symptoms of lung sickness having been seen in the said cattle by the vendee or any of his servants, the said cattle shall have been examined by two witnesses, and unless notice that such symptoms have been seen has been given within forty-eight hours as aforesaid to the auctioneer or market-master and to the vendor. Such notice shall not be considered given unless it shall have been delivered at the usual residence of the person for whom it is intended, or if such residence is more than twenty miles from the place where such diseased cattle then are, the said notice shall have been sent by telegraph where available or through the post in the usual way, of which sending proof may be demanded; but if two witnesses do not examine the said diseased cattle, as provided in this section, the said action shall be sustained if information that such cattle show symptoms of lung sickness shall have been delivered to the nearest Magistrate, Field-cornet, or Inspector, within seventy-two hours of such symptoms having been seen as aforesaid, who shall cause the said cattle to be inspected, and if either of the said officers, or anyone on his behalf, or either of the said witnesses shall have reasonable cause to believe the said cattle to be affected with lung sickness, such person shall destroy one of the said cattle, and shall examine it to ascertain more certainly whether it was affected with lung sickness; and if such person find the said cattle to be so affected, he shall take the necessary steps to identify the said purchased cattle and all other cattle in the possession of the vendee with which such purchased cattle may have been running, and the Court when awarding damages shall take into consideration all reasonable expenses which may have been incurred by the vendee or in his behalf in connection with such purchased cattle.

22.—*Landowner or Occupier may Destroy Lung-sick Cattle found on his Land.*—Any person finding any cattle, showing symptoms of lung sickness, on any land, his property or in his lawful occupation, may destroy such cattle on his own responsibility, and shall open and examine all cattle so destroyed in the presence of disinterested and competent witnesses: Provided, that the owner of such cattle so destroyed shall not be entitled to recover compensation for such cattle if the person so destroying them can prove, by his own evidence and the evidence of two of the said witnesses, that such cattle were infected with lung sickness when so destroyed; and also provided the person so destroying such cattle shall

report that he has done so, by despatching either a verbal or written message to the Magistrate or Inspector of the district in which he resides within twenty-four hours after the killing of such cattle, and stating in such report the marks of the cattle so killed.

23.—*Destruction of Lungsick Cattle found on Public Highway, etc.*

—Any cattle showing symptoms of lungsickness being on, or driven along any public highway or street, or on lands set apart as commonage for any town or village, or for public outspan, may be destroyed by any person on his own responsibility, on the conditions provided in the last preceding section, or any person may send information respecting such cattle to the nearest Magistrate, Fieldcornet, or Inspector, and such officer shall forthwith cause such cattle to be destroyed if such officer or the person sent on his behalf to destroy such cattle has reasonable cause to believe them to be infected with lungsickness, and such officer or person shall forthwith cause such cattle so destroyed to be opened and examined, and should the said cattle be found to be free from lungsickness, compensation shall be granted as provided for under Section 24 of this Act; and each Magistrate or Inspector shall keep a record of all cases of cattle so destroyed within his district, and shall furnish a copy thereof to the Principal Veterinary Surgeon.

24.—*Compensation for Destroying of Healthy Animals.*—If upon the examination of the organs of any animal destroyed under the provisions of this Act, it shall be ascertained that such animal was not suffering from lungsickness, the owner shall be entitled to be paid from the public revenue the value of such animal immediately before death: Provided that the payment shall in no case exceed the rates set forth in Schedule C.

25.—*Control of Infected Cattle.*—Any owner of cattle who may allow, or cause the same to be driven or herded, or permit the same to stray on any public road, street, market, or on any land other than such as is his property, or of which he is the lawful occupier, knowing the same to have been inoculated or drenched within six weeks previous thereto, or to be affected with lungsickness, shall, on conviction, pay a fine not exceeding Twenty Pounds Sterling, or in default thereof be imprisoned for a period not exceeding three months.

26.—*Declaration of Infected Areas.*—Whenever it shall come to the knowledge of a Magistrate that any animal within the Division is affected with lungsickness, it shall be lawful for such Magistrate, upon notice to the occupier of the land on which such animal is, to declare such land or any portion thereof an infected area, and to prohibit the removal of any animal from such land for a sufficient period, to be stated in such notice, to enable the Governor, if he thinks fit, to issue the proclamation referred to in the next succeeding section.

Such notice shall be published in some newspaper circulating in the Division and posted at the office of the Magistrate.

From and after such notice and prohibition, and during such period, the owner of any such animal in such infected area who shall allow any such animal to stray, or be removed out of such infected area shall be guilty of an offence against the provisions of this Act.

27.—*Governor may Proclaim Infected Areas.*—Whenever lungsickness is known to exist among animals in any Division, the Governor may, by proclamation, declare such Division, or any area embracing or forming part of such Division, to be an infected area, and may by such proclamation order and direct that it shall not be lawful to remove any animals from such area, whether the same are or are not infected with lungsickness.

28.—*Repeal or Alteration of such Proclamations.*—The Governor may, by proclamation, repeal or alter any such proclamation as in the last preceding section is mentioned, or may declare any proclaimed area or any part thereof to be no longer an infected area.

29.—*Onus probandi in cases of Disputed Ownership.*—In all cases of disputed ownership of cattle under this Act the onus of proving that some other person is owner shall rest upon the occupier or lessee of the land on Natives or the headman of the kraal or group of kraals to which such cattle may belong, or at which such cattle may be running or may be kraaled, and in cases of cattle found grazing or running on town, village, or waste lands of the Crown, on the person in whose use or possession, or under whose control or charge such cattle shall have been or had been within one month previous to the time of their being found so grazing or running.

30.—*Lungsick Cattle in Public Pounds to be Destroyed.*—Every poundmaster shall, so soon as any animal in the pound appears to him to show symptoms of lungsickness, cause such animal to be destroyed in the presence of two witnesses, and in the presence of such witnesses shall open and examine the said animal, to ascertain whether it had been infected with lungsickness.

31.—*Poundmasters to Report Outbreaks.*—Poundmasters are, under this Act, required to immediately report to the Magistrate or Inspector the appearance of lungsickness in the pound, and the Magistrate or Inspector may order the slaughter of all cattle in the pound up to the number of five, provided the poundmaster can prove actual contact has existed with the infected beast. If any number above five are in the pound at the time, the conditions of Sections 8 and 10 shall be enforced. In case a pound shall become infected by reason of the pounding therein of infected cattle, it shall be the duty of the poundmaster to establish another

pound at a safe distance from the pound so infected. No impounding of cattle can take place in the pound so infected until such pound is declared by the inspector to be free from disease. The Inspector or Magistrate shall cause to be made known, by advertisement, the fact of the pound being infected.

32.—*Poundmasters to declare date of last case in Pound before Sale.*—The poundmaster shall not sell any cattle at the pound, unless he shall have first publicly, at the time of such sale, declared at what date the last case of lungsickness occurred in the pound.

34.—*Penalty on Poundmasters for Neglect.*—For each act or neglect of any part of his duty under this Act, the poundmaster shall be liable, on conviction, to a fine not exceeding Five Pounds Sterling.

35.—*Infected Areas within Commonages.*—Every commonage of, or set apart for, any borough, township, or village, whether proclaimed under Law No. 11, 1881, or not, shall, for the purposes of this Act, be regarded as a farm, and it shall be competent for the Governor in Council to proclaim certain areas within such commonages or lands to be infected, the owners of the cattle within such areas to be under all the obligations and penalties of this Act.

36.—*Destruction of Cattle in Boroughs.*—Any cattle destroyed under the authority of this Act within the boundaries of any borough, or township proclaimed under Law No. 11, 1881, may be dealt with as the then existing laws or bye-laws of such borough or township may provide.

37.—*Introduction of Lungsick Cattle into Colony.*—Any person bringing, or causing to be brought into the Colony, any cattle knowing them to be infected with lungsickness, or knowing that they have been inoculated or drenched within six weeks previous to the date of the arrival of such cattle in the Colony, shall for every such offence, on conviction, pay a fine not exceeding One Hundred Pounds Sterling, or in default of payment, be imprisoned for any period not exceeding six months, and in addition shall be liable for damages caused by infection from such cattle, accruing within thirty days after the date of such arrival.

38.—*Prohibiting Introduction of Cattle.*—The Governor in Council may, by proclamation, prohibit the introduction into Natal of any cattle from any country in which lungsickness shall be prevalent.

41.—*Contravenions of Act.*—Every breach of this Act, or any part thereof, and the omission to do any act, matter, or thing required to be done, and not so done, under and in strict accordance with the provisions hereof, shall be deemed and taken to be contravenions of this Act.

42.—*Penalties.*—For any contravention of this Act for which no special fine or other punishment is imposed, a fine may be inflicted, not exceeding, in each case, the sum of Twenty Pounds Sterling, or in default

of payment thereof to imprisonment, with or without hard labour, not exceeding three months.

44.—*Actions against Persons relying for their Authority on this Act.*

—An action or proceeding shall not lie against any person acting or intending to act under the authority, or the execution or in pursuance of this Act for any alleged irregularity or trespass or other act or thing done or omitted by him under this Act, unless notice in writing (specifying the cause of the action or proceeding, and the name and residence of the intending plaintiff or prosecutor, and of his attorney or agent in the matter) is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding, nor unless the action or proceeding is commenced within three months next after the act or thing complained of it done or omitted, or in case of a continuaton of damage, within three months next after the doing of such damage has ceased.

45.—*General Plea Sufficient.*—In any such action the defendant may plead generally that the act or thing complained of was done or omitted by him when acting or intending to act under the authority or in the execution, or in the pursuance of this Act, and may give all special matter in evidence.

46.—*Plaintiff restricted to his Notice.*—On the trial of any such action the plaintiff shall not be permitted to go into the evidence of any cause of action not stated in his notice.

47.—*Tender of Amends or Payments into Court.*—The plaintiff in any such action shall not succeed if tender of sufficient amends is made by the defendant before the commencement of the action; and in case no tender has been made the defendant may, by leave of the Court in which the action is brought, at any time pay into the Court such sum of money as he thinks fit, whereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in any ordinary action.

48.—*Powers, Rights, etc., Additional to those Conferred by any other Law.*—All powers, rights and remedies given by this Act shall be in addition to, and not in derogation of any other powers, rights and remedies conferred by any other Law or enactment, and all such powers, rights and remedies may be exercised and put in force in the same manner, and by the same authority as if the Act had not been passed.

49.—*Prosecutions not to Affect Civil Remedy.*—A proceeding or conviction for any act punishable under this Act, or under any order, rule or regulation made pursuant to this Act, shall not affect any civil remedy to which any person aggrieved by the Act may be entitled.

*Schedule B.**

I certify that a herd of (*state number*) cattle belonging to on the farm in Ward County of are infected with lungsickness, and I hereby grant to the said license to keep the same for three months from date, for the purpose of complying with the conditions of Sections 8, 9, and 10 of Act No. 30, 1897, as amended by Act No. 15, 1907, as endorsed hereon.

Dated this day of 19....

.....
Inspector.

*Schedule C.***

| | £ | s. | d. |
|--|----|----|----|
| 1. Calves under twelve months | 5 | 0 | 0 |
| 2. Yearlings (Oxen and Heifers) | 7 | 0 | 0 |
| 3. Two-year-olds (Oxen and Heifers) | 9 | 0 | 0 |
| 4. Cows and Heifers, three-year-olds and upwards | 11 | 0 | 0 |
| 5. Oxen and Bulls | 14 | 0 | 0 |

 ACT NO. 15, 1907.
"To amend the Lungsickness Act of 1897."

6. *Compensation.*—In the event of an animal being destroyed by the order of a Government Veterinary Surgeon or Inspector under the provisions of Section 4 of this Act, compensation shall be payable to the owner of such animal at the rates set forth in the Schedule A of this Act: Provided that in the case of the owner being guilty of any neglect in failing to report or of any undue delay in reporting an outbreak, no such compensation shall be payable.

* As amended by Sec. 8 of Act No. 15, 1907. Schedule A I have omitted as it consists only of the numbers and titles of Laws repealed by the present Act.

** As amended by Act No. 27, 1903.

†The amendments have been duly made, and it is accordingly only necessary to reproduce here Section 6 and the Schedule referred to therein.

Schedule A.

| | £ | s. | d. |
|--|---|----|----|
| Yearling oxen, up to | 2 | 0 | 0 |
| Yearling heifers, up to | 3 | 0 | 0 |
| Two-year-old oxen, up to | 3 | 0 | 0 |
| Two-year-old heifers, up to | 4 | 0 | 0 |
| Three-year-old oxen, up to | 4 | 0 | 0 |
| Three-year-old heifers, up to | 5 | 0 | 0 |
| Cows, 4-8 years, with calves, up to | 7 | 10 | 0 |
| Cows, 4-8 years, without calves, up to | 6 | 10 | 0 |
| Oxen, over 4 years, up to | 7 | 0 | 0 |
| Cows, 8-12 years, with calves, up to | 6 | 0 | 0 |
| Old cows, with calves, up to | 5 | 0 | 0 |
| Old cows, without calves, up to | 4 | 0 | 0 |
| Bulls, under 4 years, up to | 3 | 0 | 0 |
| Bulls, over 4 years, up to | 4 | 0 | 0 |

IV.—RINDERPEST.

[LAWS.—Act 40, 1898; Act 28, 1903.]

Under the former of the two Acts noted above the sale of cattle is taken to imply a warranty against rinderpest, but this provision does not apply to pound sales. Act No. 28 of 1903 provides for the isolation and inoculation of infected or in-contact animals, at the expense of the owner. This Act also contains provision in regard to cattle sales on similar lines to those of Act No. 40, 1898.

ACT No. 28, 1903.

“To make Special Provision in regard to the Disease known as Rinderpest.”

1.—*Isolation and Inoculation of Infected or In-contact Animals.*—

If any Veterinary Surgeon or Stock Inspector shall have reason to believe that any cattle are infected with the disease known as Rinderpest, or have been in contact with an animal so infected, or have otherwise been exposed to the risk of infection, he shall be empowered to direct that such cattle be isolated and properly inoculated.

2.—*At Owner's Expense.*—The owner or, in his absence, the person having charge of any cattle shall be bound to carry out, at his own expense, such isolation and inoculation. If he shall fail to do so forthwith, the Veterinary Surgeon or Stock Inspector may have the isolation and inoculation carried out at the expense of the owner, or failing him, the person in charge.

3.—*Exercise of Authority by other Officers.*—If no Veterinary Surgeon or Stock Inspector be immediately available, the powers under this Act may be exercised by a Magistrate or by an officer of Police not being below the rank of Sergeant. Such Magistrate or Police officer shall, however, take immediate steps to inform the District Veterinary Surgeon or Stock Inspector, who shall as soon as possible attend in person..

4.—*Mode of Inoculation.*—The inoculation of any animal under this Act must in the first instance be effected with glycerinated bile or serum, and such inoculation must be to the satisfaction of an officer of the Veterinary Department, and as often as may in the opinion of that officer be necessary. Raw bile may be used for second and subsequent inoculations, if so desired, but ten days at least must elapse before the second inoculation.

5.—*Regulations.*—The Governor in Council may from time to time make regulations for carrying out the objects of this Act.

6.—*Offences and Penalties.*—Any person who shall contravene this Act, or a regulation thereunder, or who shall disobey or disregard any lawful order made by a person having authority, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Pounds Sterling, with the alternative of imprisonment, with or without hard labour, for any term not exceeding three months.

7.—*Order for Payment of Expenses.*—The Magistrate, when giving judgment upon any such charge, may also make an order for the payment of any expenses of isolation or inoculation to which the accused person may have become liable as aforesaid.

8.—*Cattle Sold at Public Auction to be Warranted.*—Whenever any cattle shall be sold at any public auction, or by the market-master at any public market, the auctioneer or market-master shall be bound to warrant, and shall be deemed to have warranted, all and every cattle to be free from rinderpest, and if any such cattle shall die of, or exhibit symptoms of being infected with, such disease within eight days from date of sale, exclusive of such day, the auctioneer or market-master may be sued under such implied warranty for restitution of the price paid for such diseased cattle.

9.—*Liability of Vendor for Consequent Damages.*—If any person who shall purchase cattle at any public auction, or at any public market, shall prove that he has sustained damage from rinderpest which may have

broken out within eight days after the date of such purchase in the herd which was in his possession at the time he bought such cattle, and that any of the cattle so bought have shown symptoms of rinderpest previous to any animal belonging to the said herd showing such symptoms, and if it shall be proved that the vendor was aware, or had sufficient opportunity to be aware, that any cattle were so diseased, or had been running among cattle so diseased, at or within one month previous to the time of sale, then such vendor shall be liable to make good all loss or damage which the purchaser may have sustained by reason of such diseased cattle so purchased communicating such disease to cattle the property of the purchaser.

10.—*Warranty by Vendor in Private Sales.*—In all private sales of cattle the vendor shall be deemed to have warranted the same, and shall be in all respects liable under such implied warranty as if such cattle had been sold at a public sale unless it shall have been otherwise stipulated and agreed in writing between the vendor and purchaser, or their agents.

11.—*In Suit for Damages Purchaser to Prove Precautions Taken.*—It shall be incumbent on the purchaser, when suing for damages, to show that he has taken precaution to prevent the spread of rinderpest amongst his herd as soon as he saw any symptoms that such disease had broken out amongst the said purchased cattle, and that he had with that view taken care, as far as possible, to keep the said purchased cattle separate from the said herd after the discovery of such symptoms as aforesaid, and the extent to which such precautions shall have been taken shall be considered by the Court when awarding damages.

12.—*Conditions to be Observed for Action to be Sustained.*—No action for restitution of the purchase price of any such purchased cattle which may have shown symptoms of rinderpest, or for damages caused by such cattle communicating the disease, shall be sustained under the provisions of this Act unless within seventy-two hours of the first symptoms of rinderpest having been seen in the said cattle by the purchaser or any of his servants, the said cattle shall have been examined by two competent European witnesses, and unless notice that such symptoms have been seen has been given within seventy-two hours, as aforesaid, to the auctioneer or market-master or to the vendor. Such notice shall not be considered given unless it shall have been delivered verbally, or by telegram, registered letter, or by hand, at the usual residence or place of business of the person for whom it is intended; but if two competent European witnesses do not examine the said diseased cattle, as provided in this section, the said action shall be sustained if information that such cattle show symptoms of Rinderpest shall have been delivered to the nearest Magistrate, Government Veterinary Surgeon, or Stock Inspector, within seventy-two hours of such symptoms having been seen as aforesaid, who

shall cause the said cattle to be inspected, and if any of the said officers, or either of the said witnesses shall have reasonable cause to believe the said cattle to be affected with Rinderpest, such person shall destroy one of the said cattle, and shall examine it to ascertain more certainly whether it was affected with Rinderpest; and if such person find the said cattle to be so affected he shall take the necessary steps to identify the said purchased cattle and all other cattle in the possession of the purchaser with which such purchased cattle may have been running, and the Court, when awarding damages, shall take into consideration all reasonable expenses which may have been incurred by the purchaser or in his behalf in connection with such purchased cattle.

13.—*Animals Diseases Act not Affected.*—Nothing in this Act shall be deemed to repeal any of the provisions of the Animals Diseases Act, 1894.

ACT No. 40, 1898.

1.—*Sale of Cattle Implied Warranty against Rinderpest.*—Whenever any cattle shall be sold by private contract, public auction, or by the market-master at any public market, the vendor, auctioneer, or market-master, as the case may be, shall, unless it be otherwise expressly stipulated, either in the conditions of sale or by special agreement, in writing with the purchaser, be bound to warrant, and shall be deemed to have warranted, all such cattle to be free from the disease of Rinderpest, and if any such cattle shall die of or exhibit symptoms of being infected with Rinderpest within eight days from the date of sale, exclusive of such day, the vendor, auctioneer, or market-master may, in the absence of such especial stipulation as aforesaid, be sued under such implied warranty for restitution of the price paid for such diseased cattle: Provided always, that the purchaser shall be bound to use all reasonable means to keep the cattle isolated.

2.—*Forms, etc., to be followed by Vendee.*—No action for restitution of the purchase price of any such purchased cattle which may have shown symptoms of Rinderpest shall be sustained under the provisions of this Act unless, within twenty-four hours of the first symptoms of Rinderpest having been seen in the said cattle by the vendee or any of his servants, the said cattle shall have been examined by two witnesses, and unless notice that such symptoms have been seen has been given within twenty-four hours as aforesaid to the auctioneer or market-master or to the vendor. Such notice shall not be considered to have been given unless it shall have been delivered in writing at the usual residence of the person for whom it is intended, if such residence be within twenty miles from

the place where the cattle then are, or if such residence be at a greater distance, unless the notice shall have been despatched through the post by registered letter properly addressed to the residence of such person, or shall have been despatched by telegraph where the telegraph is available.

3.—*Act not to apply to Pound Sales or Cattle that have left the Colony.*—The provisions of this Act shall not apply to sales of cattle by poundmasters under the provisions of any of the Pound Laws of the Colony, nor to cattle which may have been sold and may have left the Colony during the said period of eight days referred to in Section 1 of this Act.

4.—*Construction of Act.*—This Act and Act No. 38, 1894,* shall be construed together as one Act.

V.—TUBERCULOSIS.

[LAWS —Act 27, 1899 : Act 14, 1907]

The former of these Acts provides for the inspection and examination of cattle arriving in Natal by sea with a view to preventing the introduction of tuberculosis. All cattle, with the exception of those certified by veterinary officers approved of by the Minister of Agriculture shall be quarantined and tested with tuberculin, and animals found to have tuberculosis are to be destroyed unless the owner wishes to re-ship them. These provisions do not apply to cattle imported solely for slaughter. Act No. 14, 1907, amends and slightly extends the foregoing law.

ACT NO 27, 1899.

“To provide for the Inspection and Examination of Cattle arriving in this Colony by sea, and to prevent the Introduction of the Disease of Tuberculosis.”

1.—*Meaning of “Cattle.”*—The word “cattle,” as used in this Act, shall include all animals of the bovine tribe.

2.—*Importation of Cattle.*—No cattle shall be allowed to enter this Colony by sea or land except upon compliance with this Act.†

*Included in Part i. of the present chapter.

† As amended by Sec 2 of Act No. 14, 1907.

3.—*Examiners.*—One or more Veterinary Surgeons belonging to the Veterinary Department of the Colonial Government, to be called “Examiners,” shall be appointed by the Principal Veterinary Surgeon as examiners for the purposes of this Act.

Sections 4, 5 and 6 repealed by Act No. 14, 1907, and the following substituted therefor:—

All cattle imported into Natal by sea save those accompanied by certificates given by qualified Veterinary Officers approved of by the Minister of Agriculture, shall upon their arrival be quarantined until tested by the Examiner with tuberculin, and shall not be released from such quarantine until the Examiner certifies them to be free from any reaction indicating their being infected with tuberculosis in the form of the schedule to this Act.

Cattle imported into Natal over any inland border, may, at the discretion of the Minister of Agriculture, be required to be placed in quarantine at the place of entry, or upon their arrival at their destination, and there be tested with tuberculin by an officer of the Veterinary Department, and shall not be released from such quarantine until they are certified by such officer to be free from any reaction indicating their being infected with tuberculosis in the form of the schedule to this Act.

7.—*Disposal of Cattle found to have Tuberculosis.*—In the event of any such animal proving to be affected with the disease of tuberculosis it shall not be removed alive from the quarantine station, but shall be destroyed there: Provided that the owner may in cases of animals imported by sea have the option of returning or re-shipping the animal, in which case it shall be taken direct from the quarantine station to the vessel.*

8.—*Disposal of Carcass.*—The carcass of an animal so destroyed may be disposed of in such a manner as the owner may think fit: Provided that if the officer shall consider that the flesh is unfit for food, it shall not be disposed of for such purpose.

9.—*Expense to be Borne by Owner.*—All expenses of inspection, quarantine, destruction, and otherwise shall be borne by the owner of the cattle.

12.—*Obligation to comply with Rules.*—All owners or persons having charge of cattle brought to this Colony by sea or land shall comply with the obligations of this Act, and shall obey all lawful orders of the examiner or quarantine officer, and all rules made as aforesaid; and for any disobedience or wilful disregard of such obligations, orders, or rules, they shall be liable to a penalty not exceeding Twenty Pounds Sterling, to be recovered in the Court of a Magistrate by the Principal Veterinary or any proper officer of his Department.* *

*As amended by Sec. 4 of Act No. 14, 1907.

* *As amended by Sec. 5 of Act No. 14, 1907.

13.—*Cattle Imported for Slaughter.*—The foregoing provisions of this Act shall not apply to cattle imported solely for the purposes of slaughter, provided that before being landed they shall be inspected by the examiner, and the owner or the importer shall sign and deliver to the examiner an undertaking to the effect that none of such animals shall be used or disposed of for breeding or for any other purpose than for slaughter for food.

14.—*Offences.*—Any person who shall give a false undertaking, or who shall use or dispose of any such cattle otherwise than for slaughter, shall, for every animal so used or disposed of or referred to in the undertaking, be liable to the like penalties as are hereinbefore provided.

*Schedule.**

Act No. 27, 1899.

No.

Date

I hereby certify that I have applied the tuberculin test to
 the property of imported
 by the ship and declare the
 same to be free from any reaction indicating the existence of the disease
 of Tuberculosis.

Signed

Examiner.

— — —
 ACT No. 14, 1907.

*"To amend Act No. 27, 1899, entitled Act to provide for the inspection and examination of cattle arriving in this Colony by sea, and to prevent the introduction of the disease of Tuberculosis." ***

1.—*Construction.*—This Act shall be read and construed together with Act No. 27, 1899, hereinafter called the principal Act.

6.—*Inspection and Branding of Slaughter Cattle.*—Any cattle which may have been allowed to land under the 13th Section of the principal shall be inspected and branded with a suitable brand decided upon by the Principal Veterinary Surgeon, and shall be slaughtered within a period of one calendar month from the date of landing in the Colony.

In the case of cattle so imported coming from countries where tuberculosis is known to exist such cattle shall be quarantined until slaughter and their carcasses or any part thereof shall not be removed until they have been passed, as fit for human consumption, by a Government Veterinary Surgeon.

*Referred to in amended Sections 4, 5 and 6.

**I have carried out all the amendments made in the principal Act and it is therefore only necessary to give here Sec. 6. —H.J.C.

If any such cattle are not slaughtered within one month, or within such longer period as may be granted by the Principal Veterinary Surgeon, the owner shall be liable in respect of each animal to a penalty as provided in Section 12 of the principal Act.

VI.—GLANDERS.

[LAW.—Act 27, 1893.]

Act No. 27 of 1898 obliges owners of animals suspected to be infected with glanders to isolate the animals and within 48 hours report the matter to their neighbours and to the Magistrate, Stock Inspector or Veterinary Surgeon of the District. The diseased animals must not be removed whilst they are under treatment. Destruction of the animals may be ordered by the Veterinary Department. In-contact animals are to be isolated by order of the Veterinary Department. Hotel keepers who knowingly permit the stabling on their premises of any infected animal, or who may discover after stabling, that the animal is infected, and who do not have such stable properly cleaned and purified, are liable to a penalty.

ACT No. 27, 1898.

*“To make better provision for Preventing the Spread of the Disease called Glanders.”**

2.—*Interpretation.*—In this Act the word “animal” includes all animals of the following classes: horse, mule, donkey. “Veterinary Surgeon” or “Stock Inspector,” unless the context shows a different meaning, means a Veterinary Surgeon or Stock Inspector employed in the Department of the Principal Veterinary Surgeon.

3.—*Report of Disease to be made by Stock Owner.*—It shall be the duty of every person being the owner, or having the charge or custody of an animal suspected of being infected with, or showing symptoms of, the disease known as Glanders, to isolate the said animal, and within forty-eight hours of such disease manifesting itself to give information to his immediate neighbour or neighbours, and to the Magistrate, Stock Inspector, or Veterinary Surgeon of his district. Such Magistrate or Inspector of Stock shall at once inform the Veterinary Surgeon of the district, who shall immediately proceed, on receipt of such information, to inspect and examine the case.

*See part vii, of this chapter, Act 16, 1906, in regard to the application of the Glanders Act in certain particulars to Epizootic Lymphangitis.

4.—*Diseased Animal not to be Moved.*—It shall not be lawful for any person to ride, lead, drive, or otherwise conduct any animal infected or suspected of being infected with glanders, or about to be examined or treated for the said disease; but the examination and treatment of any such diseased animal shall take place at or near to the place in which the disease shall have been first discovered, and in which place the animal shall have been isolated.

5.—*Offence of Sending Diseased or Suspected Animal by Rail.*—Any person who shall send, or attempt to send, by railway any animal infected, or which he has reason to suppose is infected, with the disease called glanders, shall be liable to a fine not exceeding Ten Pounds Sterling, or in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month.

6.—*Such Animal not to be sent to the Pound.*—In no case shall any animal infected, or suspected of being infected, with the disease called Glanders be sent to any public pound, but it shall be isolated, together with any or all the other animals until such time as they have been examined by a Veterinary Surgeon on the premises of the owner or person in whose custody they are. Any person, not being an owner, in whose custody and on whose premises the said animals may be so isolated, shall be reimbursed by the owner, and, failing the owner, by the Government, for all necessary expenses he may be put to for feeding, securing, and taking charge of the said animals.

7.—*Offence of Offering Diseased or Suspected Animal for Sale.*—Any person offering for sale, either publicly or privately, any animal infected, or which he has reason to believe may be infected, with Glanders, shall on conviction be liable to a fine not exceeding Fifty Pounds Sterling, and in default of payment to imprisonment for a period not exceeding three months.

8.—*Offence of taking Infected Animal on Roads, Outspans, etc.*—Any unauthorised person, whether the owner or not of any animal infected with glanders, who shall ride, lead, or drive, or otherwise conduct any such animal upon or along any public road, street, or thoroughfare, or into any common pasture land or any outspan place, shall incur, and become liable to, a penalty not exceeding Ten Pounds Sterling, and not less than Five Pounds Sterling, and in default of payment thereof to imprisonment for any period not exceeding one month, unless he shall prove to the satisfaction of the Court before which the case shall be prosecuted that the said animal was, at the time and place charged, in the act of being conducted to some particular adjacent place for the purpose of being destroyed.

9.—*Stray Animal may be Secured for purpose of Inspection.*—It

shall be lawful for any person who shall find any animal infected, or suspected of being infected, with glanders, in or upon any public or private road, street, or thoroughfare, or on common pasture land or outspan place, or running loose upon the place or ground of any person, and not in charge of any person, to secure such animal on the spot, if practicable, otherwise in some other place deemed more suitable by such person, until it can be examined, as provided in the third section of this Act.

10.—*Report, Isolation, and Inspection.*—It shall be lawful for any person who shall have secured any animal, as provided in the last preceding section, to report the same to the Magistrate, or to a Stock Inspector, who will at once inform the Veterinary Surgeon. The said animal shall be kept isolated and fed until the decision of the Veterinary Surgeon shall be known regarding the disposal of such animal.

11.—*Powers of Vet. Surgeon or S.I. to enter Stable to Inspect Animals.*—A Veterinary Surgeon or Stock Inspector shall have full power and authority to enter into any stable, or other building or place in which any animal infected, or suspected of being infected, with glanders is or has been, for the purpose of inspecting any such animal, and if he think proper he may direct any animal to be isolated, with any precautions he may consider necessary.

12.—*Powers of Vet. Surgeon to apply Tests and compel Isolation.*—If, upon inspection of any animal, a Veterinary Surgeon is of opinion that it is infected with Glanders, he shall be empowered to apply a test for the purpose of ascertaining whether it be so infected or not, and he may order such animal to be isolated, and to be submitted for further examination, as he may think proper.

13.—*Vet. may order Destruction of Infected Animal.*—If, upon any examination, a Veterinary Surgeon finds that an animal is infected with Glanders, he shall have full authority to order its destruction, and to enforce the execution of such order.

14.—*Examination of Carcase.*—In the event of any animal being destroyed by order of the Veterinary Surgeon as being infected with glanders, the owner may claim to have the carcase opened and examined in presence of the Veterinary Surgeon and two or more disinterested persons. If the animal is found to have been infected with Glanders, and the disease had openly manifested itself, at the time of the inspection by the Veterinary Surgeon, then no compensation shall be claimable for the destruction of such animal. If the animal was so infected, but the disease did not become manifest until shown by a test applied by the Veterinary Surgeon, then compensation shall be paid out of the general revenue to the extent of two-thirds of the value of such animal:

Provided that such compensation shall in no case exceed Twenty Pounds Sterling. If the animal be proved not to have been infected with

Glanders, then the compensation shall be the value of the animal immediately before it was slaughtered, but shall in no case exceed Thirty Pounds Sterling. The value of the animal so destroyed for which it is intended to claim compensation, shall be decided by two disinterested persons, one of whom shall be appointed by the Veterinary Surgeon, and one by the owner.

Provided also that no compensation shall be claimable by the owner of any animal which has been introduced into this Colony from the neighbouring States or Colonies, or by sea within a period of six months prior to the application of the test as above provided for, and that, if called upon to do so, it shall lie with the person claiming compensation to prove to the satisfaction of the Minister of Agriculture that the animal was introduced prior to the said period of six months.*

15.—*Isolation of "in-contact" Animals.*—The Principal Veterinary Surgeon or other Veterinary Surgeon is hereby empowered to direct the isolation at such places as he may approve of any animals which he shall be satisfied have been in contact with an animal infected with glanders for such period and under such restrictions as he may deem necessary.

16.—*Burning or Burial of Carcasses.*—All animals which have died of Glanders, or have been destroyed either by the owner or otherwise, as being infected with Glanders, shall be immediately burned or buried and well covered up by or at the expense of the owner, and at such place or places as may be most convenient: Provided it be not within fifty yards of any dwelling-house, or within fifty yards of any stream: Provided further, that all animals which have died or have been destroyed within the boundaries of any borough or township shall be buried at such place or places as may be fixed by the Corporation of such borough or the Local Board of such township; and any person whose duty it shall be to bury such dead animal, and who shall refuse or neglect to do so, shall be liable, upon conviction, to a fine not exceeding Ten Pounds Sterling, and to have the said animal buried at his expense by order of the Magistrate.

17.—*Liability of Hotelkeepers for Stabling Infected Animals or Neglecting Precautions.*—Any accommodation-house or hotelkeeper who shall knowingly stable, or permit the stabling on his premises of any horse, mule, or other animal which shall be infected with Glanders, or be suspected of being so infected, or who shall, after having stabled such animal, discover that it was so infected, neglect properly to clean and purify such stable and manger therein according to any rules which may be made in terms of this Act, or who shall stable a horse or other animal of any visitor with any animal infected with glanders in the same stable or building, or without previously purifying and disinfecting, to the satis-

*This second proviso was added by Act No. 16, 1839.

faction of the Veterinary Surgeon, such stable and manger, as aforesaid, shall, upon conviction before the Magistrate, be liable to a penalty not exceeding Five Pounds Sterling.

18.—*Destruction of Infected Articles.*—All clothing and utensils which, in the opinion of a Veterinary Surgeon, are likely to disseminate the disease known as Glanders shall be destroyed or otherwise dealt with as directed by the said Veterinary Surgeon.

19.—*Purification of Stables and Premises.*—All stables and other places in which animals infected with glanders have been stabled or kept shall be dealt with by the Veterinary Department in such manner as to ensure their subsequent freedom from the disease.

20.—*Duty of Persons Keeping Animals to Allow Inspection, etc.*—It shall be the duty of all persons having the charge or custody of animals to allow and facilitate in every way the inspection, testing, and examination of all such animals, and to obey all lawful orders of a Stock Inspector or Veterinary Surgeon, and when so ordered, to destroy any animal, and to bury it promptly and with proper precautions. Any person who shall neglect or refuse to perform his duties under this section shall be guilty of a contravention of this Act, and shall, in addition to any other penalty, be liable to pay all expenses incurred through his neglect or disobedience in carrying out such orders.

21.—*Offence of Knowingly Allowing an Infected or Suspected Animal to Stray.*—If the owner of any animal infected with, or showing the usual symptoms of Glanders, and which shall be found at large and unsecured, as described in Section 9 of this Act, shall be proved to have known or to have been informed that such animal was infected with Glanders, or suspected to be so, and shall have refused or neglected to isolate the said animal, or to act as required by this Act, he shall be guilty of a contravention of this Act.

22.—*Duty of Private Veterinary Surgeons to Report Suspicious Cases.*—It shall be incumbent upon all private Veterinary Surgeons to report to the Principal Veterinary Surgeon of the Colony, or to the nearest Magistrate, Government Veterinary Surgeon, Stock Inspector, or Police Inspector, any case coming under their notice which they may deem to be suspicious, in order that such case may be dealt with by the Veterinary Department without delay, and any such case so reported to a Magistrate or other officer shall be at once brought under the notice of the Principal Veterinary Surgeon.

24.—*Punishment of Contraventions.*—Any person contravening any of the provisions of this Act or any of the rules framed thereunder for which no special penalty is provided, shall be liable to a penalty or fine not exceeding Ten Pounds Sterling, or in default of payment to imprisonment, with or without hard labour, for a term not exceeding one month.

VII.—EPIZOOTIC LYMPHANGITIS.

[LAW.—Act 46, 1905]

This Act extends the provisions of the Glanders Act (see preceding section to the disease Epizootic Lymphangitis), with the provision that the Veterinary Department may grant permission to the owner of an in-contact animal to use the animal under certain conditions. In the case of destruction of an animal by order of the Veterinary Surgeon which upon *post-mortem* examination is found not to have been infected with Epizootic Lymphangitis, compensation not exceeding £30 is to be paid for the animal.

ACT No. 46, 1906.

“For preventing the spread of the Disease known as Epizootic Lymphangitis.”

1.—*Application of Glanders Act.*—The provisions of Act No. 27, 1898, entitled Act “To make better provision for preventing the spread of the Disease called Glanders” shall apply to the disease known as Epizootic Lymphangitis in like manner as to Glanders, except so far as they are varied by this Act, and subject to such exceptions the said Act is incorporated with this Act.*

2.—*Open Quarantine of In-contact Animals.*—The following shall, for the purposes of this Act, be added to Section 11 of the Glanders Act, 1898:

The Veterinary Surgeon or Stock Inspector may, in place of ordering an in-contact animal to be isolated, place it in open quarantine, with permission to the owner to use the animal provided that it is stabled nowhere else than at the place directed, and that it shall not be sold or passed into the keeping of any person other than the owner or person then having charge of it. He may also at any time add any other conditions to his order, and may revoke the order and direct the animal to be isolated.

He may also permit treatment to be carried out, if he consider it advisable, in respect of any animal affected with the disease.

3.—*Re Sec. 12 of Glanders Act.*—Section 12 of the Glanders Act of 1898, shall not be incorporated with this Act.

4.—*Compensation for Destruction.*—The following section shall, for the purposes of this Act, be substituted for Section 14 of the Glanders Act of 1898:

* The text of the Glanders Act will be found in Part VI. of this Chapter (Act No. 27, 1898.)

In the event of any animal being destroyed by the order of a Veterinary Surgeon as being infected with Epizootic Lymphangitis the owner may claim to have the carcass examined in the presence of a Veterinary Surgeon and two or more disinterested persons. If the animal is found to have been infected with Epizootic Lymphangitis no compensation shall be paid for its destruction. If the animal be proved not to have been so infected, then compensation shall be paid out of the general revenue, in no case exceeding Thirty Pounds (£30) Sterling. The value of the animal so destroyed for which it is intended to claim compensation, shall be decided by two disinterested persons, one of whom shall be appointed by the Veterinary Surgeon, and one by the owner.

VIII.—SCAB.

[LAWS.—Laws 48, 1887 ; Act 19, 1906.]

Under Law 48, 1887, inspectors of sheep may be appointed, whose duty it will be to inspect each flock in his district at least once every four months. The owners of infected flocks are to be granted their license to keep such sheep for the purpose of cleaning them in the manner prescribed. The license is to be renewed for a further period of two months and the renewal continued at light intervals until such time as they are clean. Every person who becomes possessed of a flock of sheep is to report the fact to the Inspector of his district; he must also register at the Magistrate's office the brand which he proposes using. Unbranded sheep running on Crown lands, native locations or commonages are liable to be impounded. Every owner of sheep which become infected with scab must report the fact to the Inspector. There is a special provision in the law for dealing with infected sheep straying or intermixing with other flocks.

The importation of infected sheep and the movement of sheep across the border, are provided for in Sections 14 to 20.

Act No. 19 of 1906 empowers the Governor to authorise the entry of sheep into Natal from other parts of South Africa.

LAW NO. 48, 1887.

“To repeal and re-enact with amendments the Law No. 12, 1882, entitled Law ‘To repeal and re-enact with amendments Law No. 26, 1878,’ entitled ‘Law for the better prevention of the Disease in Sheep called Scab.’”

Short Title: “The Scab Law, 1887.”

1.—[Repeal of Law No. 12, 1882.]

2.—*Appointment of Inspectors.*—The Governor in Council may from time to time appoint an Inspector or Inspectors of Sheep for this Colony, or for any district thereof, and may from time to time remove or dismiss such Inspector or Inspectors; and every person so appointed shall have full power at any time to inspect any sheep within this Colony, or the district thereof for which he shall be appointed, wherever such sheep may be kept, driven, or depastured, and shall have, exercise, and discharge within this Colony, or the district thereof for which he shall be appointed, the several powers, authorities, and duties hereinafter mentioned; and if any person shall refuse to allow any Inspector to enter upon his land, pasturage, or premises, or to examine any sheep belonging to him or in his care or possession, or shall attempt to impede or hinder any Inspector from examining such sheep, or shall not when required by any Inspector render him every reasonable assistance, or after demand made by the Inspector, shall fail to collect and produce to him within reasonable time his flock of sheep, such person shall, on conviction before any Resident Magistrate, forfeit and pay any sum not exceeding Ten Pounds for each offence.

3.—*Duties of Inspectors.*—It shall be the duty of each Inspector appointed under this Law to visit each flock in his district at least once in four months. In the event of any flock being declared by such Inspector to be infected with the disease called Scab, the owner of such flock shall be granted a license, conform, as near as may be, to the form of license set forth in the Schedule hereto marked D, to keep such sheep for a period of two months for the purpose of cleaning the same. Every such license shall contain a condition that the sheep thereby licensed shall be properly dipped a certain number of times, the first dipping to be made within twenty days from the date of such license, and the owner shall be required to satisfy the Inspector that every sheep so licensed has been properly dipped as required by the license. At the expiry of such license the Inspector shall re-inspect such flock, and should the same be still infected with Scab, the license may be renewed for a further period of two months, and the Inspector shall repeat his inspection every two months until such flock is found clean. Every renewed license shall contain requirements as to dipping similar to those contained in the first license. The first license shall be given free of charge, for the second a penalty of Three Pounds shall be charged, and for every subsequent renewal of the license a penalty of £5 until the flock is clean. And every owner who shall neglect or refuse to carry out the conditions of any such license shall, on conviction, be liable to a fine not exceeding £5 for the first offence, £10 for the second offence, and £15 for any subsequent offence: Provided, however, that it shall be lawful for the Colonial Veterinary Surgeon to

extend the period for dipping any sheep so licensed, whenever it may appear to him that such dipping at the times required by the license would be dangerous or injurious to such sheep. All payments in respect of renewals of licenses shall be made to the Inspectors for the respective districts, and if not paid within thirty days from the date of any such renewal shall be recoverable by them in the Courts of the Resident Magistrates having jurisdiction in such districts. Any sheep so licensed shall, whenever grazing upon unfenced land be attended by a shepherd, and for every breach of this provision the owner shall, upon conviction, forfeit a sum not exceeding £5.

5.—*Possession of Sheep to be Reported to Inspector.*—It shall be the duty of every person who may be, or may become, possessed of a flock of sheep, to report the circumstance to the Inspector of his district within one month from the date of the commencement of this Law, or within one month from the date of his becoming possessed of a flock of sheep, as the case may be, and at the same time to notify to the Inspector, in writing, the name of his farm and the number and brand of his sheep: Provided, that Native owners may give notice verbally. Any owner neglecting to give such notice, or knowingly make a false return, shall forfeit, on conviction, any sum not exceeding £5.

6.—*Owner of Infected Sheep to give Notice.*—It shall be the duty of every owner of sheep which are or may become infected with the disease called Scab, to give notice in writing at once to the Inspector of his district, and to every occupier of adjoining land who may possess a flock of sheep; and any owner of infected sheep neglecting or delaying to give such notice, shall be liable to a fine not exceeding Twenty-five Pounds. And the Inspector, on receiving such notice, as aforesaid, shall thereupon issue, in manner and form aforesaid, a license to keep the infected sheep for the purpose of cleaning the same.

7.—*Return to be Made to Inspector.*—Every owner of sheep within this Colony shall, whenever thereunto required by a notice in writing to be personally delivered to such owner, or left at his usual or last known place of abode in the said Colony, fill up a printed form in terms of Schedule hereunto annexed, marked A (which shall be supplied to him by the Inspector), containing a correct account of all the sheep in his possession or custody, with the marks and brands of such sheep, and deliver the same, or cause the same to be delivered by post or otherwise to the Inspector. And if any such owner shall not, within thirty days after the delivery or leaving of such notice, deliver such account, he shall forfeit and pay, for every such offence, a sum not exceeding Five Pounds. And any person knowingly giving a false return to the Inspector shall be

fined a sum not less than Two Pounds nor more than Ten Pounds: Provided that with respect to Natives it shall be sufficient that such notice shall be given and account rendered verbally.

8.—*Compulsory Branding.*—Every owner of sheep shall, within one month after becoming possessed of sheep, or after this Law comes into operation, if not already registered, register or cause to be registered at the office of the Resident Magistrate in and for the district in which the sheep are depasturing, a description of the mark or brand which the proprietor of such sheep uses or purposes to use in marking or branding his sheep. Every owner now, or hereafter, of sheep above the age of six months kept or depastured on any land, shall cause all such sheep to be marked or branded with such mark or brand as aforesaid, not less than three inches in length, in a conspicuous way, with pitch, paint, or some suitable composition, and if any two proprietors of sheep have similar brands, the Inspector may require any owner of any such sheep to alter the brand or mark to prevent mistakes and confusion. And every owner who shall refuse or neglect to register or deliver such description in manner aforesaid, or to brand such sheep and keep them conspicuously branded, or to alter the brand when required by the Inspector as aforesaid, shall, on conviction, forfeit and pay a sum not less than Two Pounds nor more than Ten Pounds for every conviction: Provided that there shall be an interval of not less than one month between any two convictions. And it shall be lawful for the Resident Magistrate to refuse to register a brand which shall have been already adopted and registered by or for another sheep-owner; and a duly registered and authorised brand or mark shall constitute *prima facie* evidence of ownership of any sheep for the purpose of this law.

9.—*Impounding of Unbranded Sheep running on certain Lands.*—Every Inspector or flock-master shall be authorised and empowered to impound unbranded sheep found running on any Crown Lands, Native Location, or Commonage, in any case where no one shall be found to claim the same.

The owner of any such impounded sheep who may desire to release them, shall make application to the Resident Magistrate, and shall furnish to him a writing supplied by the poundmaster giving particulars of such sheep, and such Resident Magistrate, upon being satisfied as to the ownership of such sheep, shall impose a sum not exceeding £5 by way of penalty, upon payment whereof he shall make an order for the delivery of such sheep to the owner, who shall be required to pay pound fees therefor before delivery.

10.—*Destruction of Unbranded Infected Sheep Straying or Inter-mixing with other Flocks.*—If any straying or trespassing sheep infected with Scab, which are unbranded, shall be found straying on any private

land, or intermixed with any flock of sheep which are clean within the meaning of this Law, it shall be lawful for the owner of such land or flock, or his authorised agent, upon the authority of the Inspector, or, in the absence of the Inspector, upon the recommendation in writing of two neighbouring sheep-farmers first obtained, to destroy such sheep so infected, provided they do not exceed ten in number; and, in the event of the Inspector not being present, the owner or persons causing such sheep to be destroyed shall forthwith report the fact to the said Inspector, who shall forthwith report the same to the Resident Magistrate of his County or Division. But otherwise, and also in case such sheep shall exceed ten in number, then the owner of the land upon which, or of the flock into which, they have so strayed or intermixed, shall be empowered to at once dip and clean such sheep, and such sheep, after being so cleaned and dipped, shall be sold by auction; the proceeds of such sale, after deducting expenses, to be devoted, first, towards the indemnification for damage done, and payment of the expenses of the owner of the land or of such flock so injured by their trespass, and the overplus, if any there be, to be paid into the Colonial Treasury: Provided that such sale shall not be made without the authority of the Inspector of the district, nor until after fourteen days' notice of such sale has been given in the *Government Gazette*. And provided that such dipping shall not be carried out without the authority of the Inspector, or, in the event of his absence, without the written recommendation of two neighbouring sheep-farmers. All such proceedings taken in the absence of the Inspector shall be reported to the Inspector by the owner or person causing such sheep to be dipped, and the Inspector shall report the same to the Resident Magistrate. And in case such infected sheep are branded, and their owner be known to the owner of the land, or of the flock into which they have strayed or intermixed, then and in that case the owner of such straying or trespassing sheep shall be liable to all the expenses of dipping and cleaning of the flocks infected by their trespassing and intermixing, and for any and all damages and expenses occasioned thereby; such damage to be assessed by two neighbouring sheep-farmers, one to be chosen by each party, these two having power to choose a third as umpire; but should the owner of the diseased sheep refuse or neglect to choose an appraiser, then both shall be chosen by the injured party: Provided that such damages are claimed within three months from the date of trespass: And provided further that notice in writing of such trespass of infected sheep shall be given as soon as possible thereafter to the owner thereof; but if the owner of such trespassing sheep shall not be known to the injured party, notice thereof shall be given by the Resident Magistrate of the County in the *Government Gazette*; and if within one month after the publication of such notice the

sheep shall not be claimed, then it shall be lawful to proceed in the same way as in the case of those found without a brand.

11.—*Meaning of "Infected Flock."*—If in any proceedings under this Law, any one sheep in a flock is proved to be infected with the disease called Scab, all the sheep in such flock shall be deemed and taken to be so infected.

12.—*Movement of Sheep Infected or Dressed for Scab.*—If any sheep which shall be or shall have been infected with or dressed for the said disease within a period of three months, shall, without the authority in writing of an Inspector, be removed from any land upon which they shall have been kept or depastured, and driven upon or along any road, or upon, over, or across any land in this Colony not being in the actual occupation of the owner of such sheep, and such road not being within the boundaries of the land in the actual occupation of such owner as aforesaid, the owner of such sheep shall be liable to pay a penalty of not less than Five Pounds, nor more than Fifty Pounds. And no Inspector shall grant an authority in writing as aforesaid unless he shall have satisfied himself, by personal inspection or otherwise, that such sheep are free from the said disease, or unless the owner shall deliver a declaration to him, previously made and subscribed by such owner before some Justice of the Peace (which declaration such Justice is hereby required to take), that such owner believes the sheep intended to be removed to be then free from disease, and such authority in writing shall remain in force for a period not exceeding ten days: and the Inspector granting such authority in writing shall at once notify in writing to the Inspector into whose district the sheep may be removed the fact of his having granted such authority in writing.

13.—*Sheep may be Sold under Certain Conditions.*—If any person against whom any proceedings may be taken under this Law as the owner of any sheep shall deny that he is the proprietor thereof, or that he has any right, title, or interest in such sheep, or if it shall be uncertain who is the proprietor of any sheep in respect of which any proceedings for the recovery of a penalty may have been instituted under this Law, or if the person against whom any owner of any sheep and against whom any order for the payment of any penalty has been made, shall not within three days after the making of such order pay the amount so awarded against him together with the costs, then and in any such case any Resident Magistrate may make an order for the sale of such sheep or so many of them as may appear to be necessary in respect of which such penalty has been imposed: and such penalty and the costs attending the recovery thereof shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid to the proprietor of such sheep if claimed within three months from the day of such sale; but if not claimed, it shall be paid into

the Colonial Treasury. But no such order as last aforesaid shall affect or alter the liability of any owner who may be convicted under the provisions of this Law.

14.—*Penalty for Importation or Introduction of Infected Sheep except in Compliance with Law.*—Any person who shall import or introduce by land into this Colony, save as is hereinafter provided for in this Law, any sheep, and shall cause or suffer it or them to leave the port where landed in this Colony, or the station at which they were introduced, over the boundary into this Colony, at any place other than those defined by this Law and by the regulations to be made thereunder shall, upon conviction, forfeit any sum not exceeding Fifty Pounds.*

[This Section applies to all sheep except those imported by sea or exempted by Sec. 20 of this Law.—Act No. 19, 1906.]

15.—*Establishment of Dipping Stations.*—There shall be established at Van Reenen's Pass, on the Drakensberg; De Jager's Drift, on the Buffalo River; and Hancock's Drift, on the Umzimkulu River, and at such other places as the Governor in Council may, in his discretion, see fit to appoint, ports of entry for sheep imported into this Colony, and at each such port of entry there shall be a dipping tank or tanks, together with the necessary appliances, for the dipping of all sheep for which permission in terms of Schedule B hereunto annexed, to cross the boundary hereinbefore mentioned shall be requested.**

16.—*Appointment of Inspectors at Crossing Places.*—It shall be lawful for the Governor in Council from time to time to appoint an Inspector or Inspectors, who shall reside at any crossing places which may be hereafter fixed upon, and who shall carry out the provisions of this Law as regards all sheep travelling across the boundary at the places of crossing aforesaid, and shall perform such other duties as may from time to time be assigned to him or them by the Governor in Council. The said Inspector so appointed may from time to time be dismissed by the Governor in Council. Any person who shall in any way impede or hinder any such Inspector or Inspectors from examining such sheep, or from branding or dipping the same, or who shall not, when required by any such Inspector, render every reasonable assistance, shall be liable to the same penalty as is fixed for a contravention of the Second Section of this Law.

* As amended by Sec. 3 of Act 19, 1906.

** This Section has been amended by Act No. 21, 1895, which enacts that:—
“Whenever it shall appear to the Governor-in-Council advisable in the public interests, on the occasion of any approaching Agricultural Show, Exhibition, or the like, to be held either in this Colony or elsewhere in South Africa, the said Governor-in-Council may relax the provisions of Law No. 48 1887, in so far as they require the dipping of sheep imported or brought into this Colony and may order and determine that the said Law shall to that extent be suspended, and the requirement of dipping sheep on being imported or brought into this Colony dispensed with in such manner and for such period and for such purposes and under such conditions and precautions as may appear advisable, and may be directed by the said Governor-in-Council.”

17.—*Inspectors may Brand and Dip Sheep.*—Upon application made by an owner of sheep for that purpose, it shall be the duty of the Inspectors to cause the sheep in respect of which such application shall have been made, to be branded with the registered mark of the owner, and also with a Government brand, and to be properly dipped in the dipping tank or tanks established under the Fifteenth Section hereof; and it shall be lawful for the Inspectors to charge for such branding and dipping, fees at the rate of not less than One Penny nor exceeding One Penny-halfpenny per head for every sheep so branded and dipped.*

18.—*Branded and Dipped Sheep not to Leave Station without Permit.*—Whenever such sheep as aforesaid shall have been branded and dipped, they shall not be permitted to leave any such dipping station without a permit having been issued, in terms of Schedule B hereunto annexed, by the Inspector. And each Inspector granting such permit shall at once advise the Inspector of the district to which any such sheep are travelling of the granting of such permit. Such permit shall endure for ten days, to enable the sheep to reach their destination, and such sheep shall from that time be under the supervision of the Inspector of the district, who shall thereupon issue to the owner or person in charge of the sheep a certificate as in Schedule C hereunto annexed, and the said sheep shall thereafter be deemed to have been legally brought into the district.

19.—*Sheep Arriving from Over the Border to be Dipped.*—All sheep brought into this Colony over its borders shall upon arrival at their destination be dipped once, if certified by the Inspector of that district as free from Scab; if otherwise, they shall be twice dipped, in manner as provided in Section 3; the first dipping to be made as soon as possible, and the second dipping within twenty days thereafter. Any breach of this clause shall be punishable by a fine of not less than £5 and not exceeding £20 for each offence.

[Notwithstanding the provisions of this Section, "it shall be lawful for the Governor to authorise the entry of sheep into this Colony from all or any of the Colonies of South Africa without the necessity of dipping such sheep, subject to such conditions as may be contained in regulations to be made by the Governor in that behalf. Any such authority may at any time be suspended or revoked by the Governor."—Sec. 1, Act No. 19, 1906.]

20.—*Special Provision for Winter Movement of Sheep in Klip River County.*—Any flockmaster, being the owner or the lessee of land situate

* As amended by Law No. 9, 1893.

in the County of Klip River may bring his flock or flocks across the border into this county once during each year for the necessary pasturing of his flock or flocks on land situate in the said county during the winter months, without being obliged to enter the Colony at any port of entry or to comply with the compulsory dipping insisted upon on that occasion under this Law:

Provided, however, that in all such cases the owner shall have obtained, and shall produce for inspection whenever required, a certificate signed by the Government Stock Inspector of the district from which he is bringing his sheep into Natal, showing that the flock has been personally inspected not more than ten days previous to the arrival of the sheep at the Natal Border, and that the sheep are free from Scab.*

[And] Provided, that if such sheep shall be found by the Inspector, after their arrival at their grazing ground, to be scabby, the flockmaster introducing such sheep shall be liable to a penalty of not less than £5 nor more than £50. That in all other respects such flockmaster shall comply with all other provisions of this Law, and he shall not be allowed to remove such flock or flocks to any other part of this Colony without special permission, for that purpose first had and obtained, from the Inspector of his district.

21.—*Dipping to be to Satisfaction of Inspector.*—The dipping provided for under this Law shall be to the satisfaction of the Inspector for the district in which the dipping takes place.

22.—*Private Marks on Sheep.*—Nothing in this Law contained shall prevent any owner of sheep, over and above the brand required by this Law, from cutting his private mark in the ears of his sheep: Provided, that it shall not be lawful to cut (stump) through either one or both of the ears in such a way as would obliterate the private mark of the owner, under a penalty not exceeding Ten Pounds for each sheep so unlawfully maimed or cut in the ears, and the forfeiture of the sheep to the informant or to the owner thereof, if they shall appear to have been stolen or to belong to another person. Every such ear-mark shall be registered at the office of the Resident Magistrate of the district.

25.—*One or more Sheep to constitute a Flock.*—For the purposes of this Law, one or more sheep kept on the same farm shall constitute a flock .

* This proviso was added by Act No. 19, 1906. The second proviso is as it stood in the original Law.

*Schedule A.**

RETURN FOR SHEEP INSPECTION FOR MONTH.

| Owner's Name. | Farm or Farms. | Number of Sheep. | Clean Sheep. | Sheep affected with Scab. | Mark or Brand. |
|---------------|----------------|------------------|--------------|---------------------------|----------------|
| | | | | | |

Schedule B. †

No.

18

Permit used

I certify that _____, have been inspected and dipped, and are at liberty to be driven on the Public Road from _____ to _____
 Brand _____
 Earmark _____

This permit is in force for ten days.

Inspector.

Schedule C. §

(No.)

Date

18

I certify that _____, have been imported into the Colony from _____, the property of _____
 in the manner provided by Law, and are to be driven to and left at _____
 Inspector. _____ District _____

Schedule D.

LICENSE UNDER THE SCAB LAW, 1887.

I certify that _____, No. _____ Sheep belonging to _____
 on farm _____, in Ward No. _____, County of _____
 are affected with Scab, and I hereby grant to the said _____
 license to keep the same for two months from date in order to clean them.

The said _____ is hereby required to have the said Sheep
 dipped twice; the first dipping to be made within twenty days from this date; the
 second dipping fourteen days later.

Dated this

day of

18

Ward _____ Sheep Inspector,
 County of _____

* Referred to in Sec. 7.

† Referred to in Sections 15 and 18.

§ Referred to in Sec. 18.

I hereby certify that the whole of the above flock of Sheep have been dipped on the dates herein set forth :—

| | First Dipping. | Second Dipping. |
|-----------|----------------|-----------------|
| Commenced | Date. | Date. |
| Completed | | |

Date]

Residing at.....

Owner,

County of.....

ACT No. 19, 1906.

“To Amend the Scab Law, 1887.”

1.—*Authority for Entry of Sheep without Dipping.*—Notwithstanding the provisions of Section 19 of the Scab Law, 1887, it shall be lawful for the Governor to authorise the entry of sheep into this Colony from all or any of the other Colonies in South Africa without the necessity of dipping such sheep, subject to such conditions as may be contained in regulations to be made by the Governor in that behalf. Any such authority may at any time be suspended or revoked by the Governor.

2.—[Amendment of Sec. 20 of Scab Law—which has been made accordingly.]

3.—[Amendment of Sec. 14 of Scab Law—which has been made.]

4.—*Regulations.*—The Governor in Council may from time to time make regulations dealing with any matters necessary for the proper carrying out of this Act.

IX.—RABIES.

[LAW.—Act 29, 1903.]

In making provision for preventing the spread of rabies in dogs, Act No. 29 of 1903 makes it lawful for any person to destroy any dog showing open symptoms of rabies. This applies also to other animals besides dogs which may be liable to the disease. This Act also contains provision for the compulsory muzzling of dogs in public thoroughfares during any period which the Governor may direct. This does not, however, apply to dogs during such time as they are being used for sporting purposes or for the herding of sheep and cattle, so long as they are in charge of a European. Unmuzzled dogs, with the exceptions named, are liable to be destroyed during the currency of such muzzling order.

ACT No. 29, 1903.

"To make provision for preventing the spread of Rabies in Dogs."

Short Title: "The Rabies Act, 1903."

2.—*Destruction of Rabid Dogs.*—It shall be lawful for any person to destroy any dogs showing open symptoms of Rabies, or which is known or reasonably believed to have been bitten by a rabid dog or other rabid animal.

3.—*Powers of Authorised Persons to Order Destruction.*—Any Veterinary Surgeon, or Police Constable, or any person having authority in that behalf from the Principal Veterinary Surgeon, may destroy, or order and enforce the destruction of any dog which he may believe to be dangerous, upon evidence to his satisfaction that such dog has been in contact with a rabid dog or other rabid animal.

4.—*Liability not Affected by Wilful Destruction.*—Nothing in this Act shall be deemed to affect the liability of any person who destroys a dog wilfully or without reasonable grounds as required by this Act.

5.—*Application to other Animals.*—Any reference in the foregoing sections of this Act to dogs shall apply also to any other animal liable to the disease of Rabies.

6.—*Orders as to Muzzling.*—The Governor may at any time by notice in the *Natal Government Gazette*, order that no dog shall be allowed to be in any street or road, or anywhere except upon private premises unless it is muzzled. Such order shall state the period for which it is to be in force; and may be made for the whole Colony, or any part of it, or any town or place specially mentioned: Provided that dogs being used for sporting purposes or for the herding of sheep or cattle, shall, if under the control of a person of European descent during the time they are actually used for such purpose, be exempt from such clauses of the Regulations as may refer to the muzzling of dogs.

7.—*Definitions.*—The expression "muzzled," as used in this Act, means wearing a muzzle of a pattern approved by the Government, and securely fastened so as to admit of the dog breathing and drinking without obstruction. "Unmuzzled" means not muzzled according to the requirements of this section.

8.—*Destruction of Unmuzzled Dogs during Currency of Order.*—Any dog which during the currency of an order made under this Act is found unmuzzled in any street or road, or anywhere, except on private premises, may be taken and destroyed by any Police Constable, or by or under orders of any Magistrate, Police Officer, or officer of the Veterinary Department.

9.—*Regulations*.—The Governor in Council may from time to time make regulations for any of the purposes necessary for the proper carrying out of this Act.

10.—*Offences and Penalties*.—Any person contravening a regulation made under this Act, or knowingly allowing an unmuzzled dog to be away from private premises during the currency of a muzzling order, shall be liable to a fine not exceeding £10 Sterling.

X.—LOCUSTS.

[LAW.—Act 40, 1904.]

Act No. 40 of 1904 makes general provisions for the destruction of locusts. Regulations may be made from time to time for giving effect to this Act. Any portion of the Province may be declared a locust area, and occupiers and owners of land therein may be ordered to assist in the extermination of the locusts, failing which, the Chief Locust Officer may cause the lands of such person to be cleared of locusts and recover any expenses occurred from the owner or occupier. The wilful driving of locusts off any property on to any neighbouring property is liable to punishment by a fine of £50. The ingredients and appliances for use in connection with locust destruction are to be carried free of charge by the railway.

ACT No. 40, 1904.

“To provide for the Extermination of Locusts.”

Short Title: “The Locust Extermination Act, 1904.”

2.—(Act No. 33, 1895, Act No. 30, 1898, and Act No. 42, 1901, repealed.)

3.—*Definitions*.—In this Act:—

“*Minister*” means the Minister charged with the administration of this Act.

“*Person*” includes a firm, company, society or corporation.

“*Locusts*” mean the insects called respectively “*Acridium pupuriferam*” and “*Pachytylus migratorius*,” while in the stage known as Hoppers or Voetgangers.

“*Owner*” includes the person holding land under lease from the Crown, and the purchaser of Crown Lands not yet transferred.

"*Owner or occupier*" includes joint owners or occupiers, and the agent or manager of an owner or occupier.

"*Land*" includes all Crown Lands, Native Locations and lands of the Natal Native Trust.

"*Farm*" means any rural property, inclusive of Crown Lands and lands of the Natal Native Trust, and applies to Europeans, Natives, Indians, and others.

"*Officer*" means any officer appointed under the provisions of this Act or of the regulations.

4.—*Rules*.—The Governor in Council may make and alter regulations. The Governor may make and enforce all such orders as may be necessary.

5.—*Officers*.—The Governor in Council may from time to time appoint a Chief Locust Officer and such other officers as may be required to carry out this Act, and may delegate to him or them such of the powers and authority hereby conferred on the Governor as he may think proper.

6.—*Proclamation of Locust Area*.—The Governor may, from time to time, by Proclamation, declare any portion of the Colony to be a locust area, within the meaning of this Act.

7.—*Occupiers and Owners may be Ordered to Assist*.—The Governor may at any time order the occupiers of land in any locust area, and, in the case of unoccupied lands, the owners thereof, whether Europeans, Natives, Indians, or others, to concur in such steps and to take such action as he may order for exterminating locusts upon the lands so owned or occupied.

8.—*Chief Locust Officer's Powers*.—When any such order shall have been made by the Governor, the Chief Locust Officer shall have authority to carry out the same, and to make, issue, and cause to be served upon the persons affected thereby all orders and notices required for giving effect thereto. When any person upon whom an order or notice is required to be served is absent from the Colony or cannot be found, service may be made upon any known agent.

9.—*Failure to Comply with Orders*.—If any occupier of land, or the owner, as the case may be, or his agent, shall fail to forthwith comply with the directions contained in any order for the destruction of locusts, duly made and served upon him, the Chief Locust Officer may, by direction of the Minister, authorise any officer to enter, with such assistance as he may require, upon the lands of such person at all reasonable times and to carry out such orders. Any costs and expenses incurred in or about the carrying out of such order may be recovered by the Chief Locust Officer from the owner or occupier as the case may be. Nothing done under this section shall be deemed to relieve an owner or occupier or any other person from any prosecution or penalty to which he would otherwise be liable.

10.—*Cutting of Grass and Brushwood.*—Any officer, and any person acting in aid or under the authority of such officer, may from time to time, upon such notice as may be prescribed by the regulations, enter into and upon the land of any person and may cut grass and take brushwood thereon or therefrom, and do all other things necessary for the purpose of carrying out the objects of this Act.

11.—*Government and Governor not to be Liable.*—The Government shall not be liable, nor shall the Governor be personally liable, for any loss or damage arising from, or caused by anything done under the authority of this Act.

12.—*Officers not Trespassers and not Liable.*—The Chief Locust Officer and any officer or other person lawfully acting under the authority of the Minister or of an officer in the execution of this Act or the Regulations, shall not be deemed to be a trespasser by reason of entry upon any land, or liable for any damages occasioned by any act done under such authority or in the execution of his duty.

13.—*Plea in Prosecutions.*—If any person is sued or prosecuted for anything done by him in pursuance or execution, or intended execution of this Act, or of any regulation or order made thereunder, he may plead generally that the same was done in pursuance or execution, or intended execution of this Act, or of the regulations or order made under authority of this Act, and may give the special matter in evidence.

14.—*Offences.*—Where any matter or thing is by this Act, or by any regulation, order, or notice under the authority hereof, directed or forbidden to be done, or where any authority is given by this Act to any person to direct any matter or thing to be done or to forbid any matter or thing to be done, and such Act so directed to be done remains undone, or such Act so forbidden to be done is done, in every such case every person offending against such direction or prohibition shall be deemed guilty of an offence against this Act.

15.—*Punishment for Driving Locusts to Other Property.*—Any person who shall wilfully drive, or be a party to the wilful driving of locusts off any property on to any neighbouring property, shall be liable upon conviction to a fine not exceeding Fifty Pounds Sterling, or, as an alternative, to imprisonment, with or without hard labour, for any term not exceeding six months.

16.—*Punishment of Offences under this Act.*—Every person guilty of an offence against this Act or any regulations passed thereunder, shall, except as otherwise specially provided, be liable to a penalty not exceeding Twenty Pounds Sterling, and, in default of payment thereof, shall be imprisoned, with or without hard labour, for any period not exceeding three months.

17.—*Enforcement of Penalty.*—The enforcement of any penalty may be either by prosecution or by a civil suit at the instance of the Chief Locust Officer, who shall have the discretion of demanding, accepting or suing for the whole or any part of such penalty.

18.—*Legal Proceedings.*—All prosecutions or suits for penalties under this Act or the regulations shall be cognisable in the Court of the Magistrate of the Division in which such offence shall have been committed or in which the offender may be found.

19.—*Ingredients, etc., Carried Free by Railway.*—All ingredients, mechanical and other appliances, used in the destruction of locusts and the carrying out of this Act shall be carried free of charge over the Natal Government Railways.

XI.—NOXIOUS PLANTS.

[LAWS.—Law 38, 1874 ; Act 20, 1901 ; Act 12, 1904.]

Law No. 38 of 1874 was framed to make provision for preventing the spread of the burr weed *Xanthium spinosum*, but the provisions of this law were extended by Acts No. 20 of 1901 and No. 12 of 1904 to *Xanthium strumarium* and *Cnicus diacantha*. The principal law provides a penalty for the allowing of burr weed to grow and bear seed. In the case of unoccupied lands, or if, after the occupier has paid the penalty referred to above the weed is still found growing, the Magistrate of the Division is empowered to cause the weed to be destroyed at the expense, in the first instance, of the public Treasury, the amount of such expenses to be eventually recoverable from the owner of the land. Municipalities are liable to double penalty. In the case of public lands outside municipalities the Magistrate of the Division is required to cause the weed to be destroyed at public expense. Road Inspectors and Overseers are required to destroy the weed within 100 yards of public roads.

LAW NO. 38, 1874.

*“To repeal and re-enact with amendments Law No. 20, 1861, entitled Law ‘To prevent the spread of the growth of the Xanthium Spinosum, Burr Weed.’”**

1.—[Repeal of Law No. 20, 1861.]

*See Acts Nos. 20, 1901, and 12, 1904, *post* which make the provisions of this law applicable to the Weeds, *Xanthium Strumarium* and *Cnicus diacantha* respectively.

2.—*Penalty for leaving Burr Weed Growing.*—From and after the date on which this Law shall come into operation, all occupiers of private land being persons of European descent, or in default of occupation by Europeans, all Natives or other coloured persons, whether they be tenants or squatters, residing upon any such land upon which the *Xanthium Spinosum*, Burr Weed, shall be found growing and bearing seed shall, on conviction before any Resident Magistrate having jurisdiction, be liable to a penalty not less than Twenty Shillings, and not exceeding Five Pounds Sterling: Provided that whenever land is occupied both by Europeans and Natives or other coloured persons, the penalty herein alluded to may be inflicted on both or either of them, in respect of the portions of land occupied by them respectively or conjointly: And provided also that such prosecution may be renewed, and the penalties again imposed, at intervals of not less than six months.

3.—*Magistrates may in certain cases Employ Labourers to Destroy the Weed.*—If the said weed be found growing on any private land which is not occupied, or which may be occupied by servants only, or if occupied, as provided in the foregoing Clause 2, the weed shall be still found growing after the owner or occupier shall have been convicted and fined a second time, or after having a second time tendered and paid the minimum fine required by this Law, it shall be lawful for the Resident Magistrate of the Division in which such land is situated, to employ such number of persons as he may deem necessary for the purpose of destroying it, and the expenses incurred therein shall, in the first instance, be defrayed from the Public Treasury, and are hereby made chargeable upon such land, and the same shall be paid, together with interest at the rate of 6 per centum per annum before any transfer or mortgage of such land be passed before the Registrar of Deeds; and the Resident Magistrate is hereby required and directed forthwith to furnish the Registrar of Deeds with a statement of all charges incurred under this Law upon each property respectively, in order that the same may be recovered by him at the time of transfer or mortgage.

4.—*Nearest Kraal Liable to Penalty in Locations and on Crown Lands.*—If the weed be found growing and bearing seed within the limits of any Native Location, or upon Crown Lands occupied by Natives, the inhabitants of the nearest kraal, or any of them, shall be liable to the penalties provided in Clause 2 of this Law.

5.—*Double Penalty when found Growing on Municipal Lands.*—Whenever the said weed shall be found growing on Municipal Lands, the Mayor and Council of the Borough within the limits of which it shall be found, will be liable to double the penalty by the Second Section provided, and the same may be eradicated and destroyed by the Clerk of the Peace within such Borough, who is hereby authorised to engage labourers for

that purpose, and to defray the expense from the Public Treasury, and to recover double the amount of such expense incurred from the said Mayor and Council, and pay the same when recovered into the Public Treasury.

6.—*Magistrate to cause the Weeds to be Eradicated on Crown Lands, &c.*—Should the said weed be found growing upon any unoccupied Crown Lands, or upon any public outspan place, or in any public road, or any town lands or commonage, not within any municipality, it shall be lawful for the Resident Magistrate of the County or Division, and he is hereby required to employ convict labour, or to engage free labourers, and cause such weed to be eradicated and destroyed, and all expenses necessarily incurred in the destruction of the said weed shall be defrayed from the Public Treasury.

7.—*Colonial Secretary to Publish a Notice in August instructing Fieldcornets to Warn all Persons.*—On the passing of this Law, and in the month of August in every year, the Colonial Secretary shall cause a notice to be published in the *Government Gazette*, instructing Fieldcornets and Constables to warn all persons against any infringement of the provisions of this Law, and the Resident Magistrate of every County or Division shall cause a similar notice to be posted at the door of his office.

8.—*Fieldcornets and Others Required to Inform the Magistrate where the Weed is Growing.*—Every Fieldcornet, Policeman, Constable, or Native Constable, is hereby required to give information to the Resident Magistrate of his Division or County of any occupier, or, in default of occupation, of any owner, upon whose land the said *Xanthium spinosum* shall be found growing.

9.—*Magistrate may Engage Labourers to Destroy the Weed on Private Lands.*—In addition to any penalties inflicted under this Law, it shall be lawful for the Resident Magistrate, or any person or persons appointed or engaged by him, to enter upon any private lands within his County or Division upon which the said weed may be found growing and bearing seed, and to engage labourers at the charge of the occupier or owner for the purpose of eradicating and destroying the said weed growing thereon, and all expenses necessarily incurred therein shall be defrayed from the public Treasury in the first instance, and be recoverable from the owner or occupier as aforesaid in the Court of the Resident Magistrate, at the suit of the Clerk of the Peace, or other officer acting as such.

10.—*Road Inspectors and Overseers to Destroy the Weed within 100 Yards of the Road.*—Every Road Inspector or Overseer of Road Parties employed by the Government is hereby required and directed to cause the working parties under his direction to eradicate and destroy all plants of the said weed growing upon or within one hundred yards of any road upon which the said party is at work, or along which it may be travelling.

11.—*Governor may Appoint Inspectors in each County during the Summer Season.*—The Lieutenant-Governor may, from time to time, when it shall appear to him to be necessary to enforce the execution of this Law, appoint one or more persons in each County as Inspectors, temporarily, during the summer season each year, who shall be paid at the rate of ten shillings per day, exclusive of travelling expenses, whose duty it shall be to inspect all such localities where they may have been informed, or may have reason to suspect, that the *Xanthium spinosum* is growing; and for that purpose the said Inspectors shall have free access to all such lands or premises during the daytime; and, finding the said weed there growing and in seed, the said Inspectors shall forthwith make a report thereof to the Clerk of the Peace, unless the minimum fine required by this Law shall be tendered, in which case the said Inspectors shall receive the fine, and pass a receipt for the same, and at the end of each month the said Inspectors shall account for and pay over to the Resident Magistrate of such County all such fines, to be by him accounted for to the Treasurer-General, specifying in each case the name of the party from whom each fine was received, the date when received, and the amount; and also describing the land or locality where the weed was found growing.

12.—*Inspectors to Make Monthly Reports.*—The said Inspectors shall also, on the first day of every month during the time that they shall be employed, send in a Report to the Resident Magistrate of the County, setting forth the number of days they have travelled, the places or localities inspected, where and to what extent the weed was found growing, by whom the land is occupied, and the probable amount that would have to be expended to eradicate and destroy the said weed in each case.

13.—*Unpaid Penalties.*—All penalties imposed under this Law may, unless paid within ten days, be levied by warrant of distress and sale of the goods and chattels of the offender.

16.—*Interpretation Clause.*—In the construction of this Law the words “occupier” and “owner” shall, unless otherwise specially defined, be deemed to include Kafirs, Coolies, and any other persons *bona fide* resident on such lands, not being servants in the employ of such owner or occupier.

ACT No. 20, 1901.

“To include the *Xanthium Strumarium* Burr Weed in the *Xanthium Spinosum* Law No. 38, 1874.

1.—The provision of the *Xanthium Spinosum* Law 38 of 1874 shall apply as fully and effectually to the *Xanthium strumarium* burr weed as though such weed had been originally included in the said law, together with the *Xanthium spinosum* burr weed.

ACT No. 12, 1904.

“To amend, and extend, the provisions of the Xanthium Spinosum Law of 1874.”

1.—*The Scotch Thistle.*—The provisions of the Xanthium Spinosum Law No. 38, 1874, shall apply to the thistle known as *Cnicus diacantha*.

2.—*Appointment and Jurisdiction of Officers.*—The Governor may appoint such officers as may be required for carrying out the provisions of Law No. 38, 1874, and such officers shall perform the duties and exercise the authority given by the said law to Magistrates in other than judicial matters, and to inspectors without limitation as to the summer or other season.

3.—*Construction of Law.*—Law No. 38, 1874, Act No. 20, 1901, and this Act shall be construed together as one Act.

XII.—PLANT DISEASES AND PESTS.

[Law.—Act 45, 1904.]

This Act enables the Governor to prohibit, from time to time, the introduction of any plant into Natal likely to introduce disease. The destruction of plants in nurseries affected with any specified disease may be destroyed by order of the Governor, or isolated as may be directed. All nurseries have to be registered at the beginning of each year. The owners of nurseries are also required to provide fumigation chambers. The sale of any plant is deemed to be a guarantee in itself that the plant is free from disease. Plants affected with disease that are being imported into Natal are liable to seizure, and to destruction if the disease cannot be satisfactorily eradicated. The same applies to plants in transit or exposed for sale. Compensation is provided for destruction of healthy plants only. The diseases referred to in this Act will be found in the schedule to the Act.

ACT No. 45, 1904.

“To prevent the Introduction and Spread of Disease in Plants.”

Short Title: “The Plants Diseases Act, 1904.”

2.—[Law No. 15, 1881, repealed.]

3.—*Definition.*—In this Act:—

“Plant” means any tree, shrub, or vegetation, and the fruit, leaves, cuttings, bark, and any part or product thereof whatsoever, whether severed or attached.

"Disease" means any of the insect pests or plant diseases mentioned in the Schedule of this Act, and any insect pest or plant disease which the Governor in Council may by proclamation declare to be a pest or disease within the meaning of this Act.

"Diseased" means affected with such disease; and

"Healthy" means not so affected.

"Nursery" means any land or premises whereon are grown any plants intended for sale or distribution for the purpose of being grown elsewhere.

"Orchard" shall mean any land or premises where are grown and cultivated any fruit-bearing plants or trees, and extends to and includes a garden or vinery.

"Minister" means the Minister of Agriculture.

"Board" means the Honorary Board of Advice.

4.—*Inspectors*.—The Minister may from time to time appoint Inspectors and other officers necessary for the carrying out of this Act.

5.—*Board of Advice*.—The Minister may, from time to time, appoint an Honorary Board of Advice.

6.—*Introduction of Plants*.—The Governor may from time to time, by Proclamation, prohibit the introduction into Natal of any plant which may be considered likely to introduce any disease. Such Proclamation may either be absolute or subject to such conditions or exceptions as may seem proper, and may apply to the introduction of plants either generally or from any specified place.

7.—*Destruction of Plants*.—The Governor may from time to time, by Proclamation, on the advice of the Board, order that all plants in nurseries throughout the Colony which may be affected with any specified disease shall be destroyed, or that they shall be isolated and treated in any specified manner.

8.—*Rules*.—The Governor in Council may from time to time make and alter regulations for all purposes necessary for carrying out this Act, and for giving full effect thereto.

9.—*Registration*.—Every nursery shall be registered by the occupier thereof at the office of the Magistrate of the Division on or before the 31st day of January in each year.

10.—*Inspection*.—An Inspector may at all reasonable times enter a nursery or orchard, with his assistants, for the purpose of making an inspection or carrying out any other duties therein.

11.—*Measures for Eradication of Disease*.—The Minister may, on the advice of the Board, make an order requiring the occupier of a nursery or orchard to take, within a specified time, all such measures for the

eradication of diseases as may be prescribed in the order. The Minister may in like manner make an order placing any nursery or orchard under quarantine.

12.—*Quarantine*.—So long as an order of quarantine applies to a nursery or orchard, it shall not be lawful to remove any plant or any part or product of a plant therefrom, except with the permission and under the direction of an Inspector, and the occupier shall comply with all instructions contained in the regulations or specially prescribed by an Inspector, with the approval of the Minister, for eradicating or preventing the spread of the disease.

13.—*Fumigation*.—The occupier of every nursery shall provide proper and approved chambers for fumigating with hydrocyanic acid gas, and it shall be his duty to fumigate all plants immediately before delivery in accordance with the regulations.

14.—*Diseased Plants*.—No person shall send out from a nursery any plant affected with disease. If any plant is so sent out, the occupier of the nursery, as well as every person actually ordering or superintending the sending out of such plants, shall be deemed guilty of a contravention of this Act.

15.—*Sale of Plants*.—Every nurseryman selling plants shall be deemed to have warranted the same as being free from disease, and he shall not be entitled to receive or recover payment for any plant which may be so diseased: Provided that no defence or claim for the restitution of price, other than such as would be maintainable if this Act had not been passed, shall be competent to a purchaser unless he shall show that he gave written notice of such disease to the vendor or his agent, either delivered personally or by telegram, or sent by registered post within three days next after the day on which the plants actually reached the purchaser.

16.—*Treatment, etc., of Plants*.—When any disease considered by the Minister, on the recommendation of the Board, to be a source of danger is prevalent in any nursery, orchard, or fruit garden he may, if he deems such measure necessary in order to prevent its spread, order the special treatment and, if necessary, the destruction of any specified kinds of plants therein, whether such plants be diseased or not: Provided that compensation shall be paid for healthy plants so destroyed. The amount of compensation shall be fixed as provided for in this Act.

17.—*Powers of Inspectors*.—Any Inspector appointed under this Act or any officer of the Customs may seize any plant which is being imported into the Colony and which is suspected of being affected with disease; and any Inspector may inspect the same and require it to be disinfected to his satisfaction, and if he is satisfied that it is diseased, and that the disease cannot otherwise be satisfactorily eradicated, he may have the

plant destroyed, together with any box, basket or package in which it has been packed. An Inspector may similarly seize and deal with any plant which may be found in transit or exposed for sale in the Colony or which is being sent out from a nursery, and appears to be diseased.

18.—*Compensation*.—No person shall be entitled to receive any compensation whatever for the destruction of plants ordered to be destroyed on account of disease, except that where healthy plants are ordered to be destroyed as a measure of precaution, the owner shall be entitled to receive payment of their value from the public revenue. Such value shall, unless agreed, be assessed by two persons chosen by the Inspector and the owner respectively, and, failing agreement between them, it shall be determined by the award of a competent person mutually chosen by the assessors.

19.—*Trespass*.—No Inspector and no person acting under the direction or order of such Inspector shall be deemed to be a trespasser by reason of any entry or destruction under this Act or be liable for any damages occasioned by carrying out the provisions of this Act unless the same were occasioned maliciously and without reasonable cause.

20.—*Obedience of Orders*.—Every owner of plants, nurseryman, or occupier of premises, and every person representing him, or having charge of any plants or premises under him, shall be bound to obey all lawful orders made by the Minister or by an Inspector, and shall give the Inspector every assistance in carrying out such order, or shall himself carry it out if so required.

21.—*Obligations*.—Any obligation placed by this Act upon the occupier of a nursery or other land shall in his absence or default, or if there be any doubt as to who is to be considered as the occupier, be equally binding upon every person having charge or superintendence of such nursery or land.

22.—*Offences*.—Every person shall be guilty of a contravention of this Act who:—

- (a) In any manner obstructs or impedes any person in the execution of any of the powers conferred by this Act or refuses any assistance which he is required to give; or
- (b) Disobeys or neglects to comply with any of the provisions of this Act or the terms of any regulation, order, or proclamation made thereunder.

23.—*Penalty*.—All persons contravening this Act, or any regulation or lawful order thereunder, shall for each offence be liable to a penalty not exceeding Twenty Pounds (£20) Sterling, to be recovered in the Court of a Magistrate by the Clerk of the Peace or by an Inspector or other proper officer of the department.

SCHEDULE.*

Insect Pests.

- Codling moth (*Carpocapsa pomonella*).
- San Jose Scale (*Aspidiotus perniciosus*).
- Pear Slug (*Selandria cerasi*).
- Cape Fruit Fly (*Ceratitis capitata*).
- Apple Mussel Scale (*Mytilaspis pomorum*).
- Orange Mussel Scale (*Chionaspis citri*).
- Parlatoria of the orange (*Parlatoria ziziphus* and *Parlatoria Pergandei*).
- Glover's Scale (*Mytilaspis gloveri*).

Plant Diseases.

- Orange Yellows and Peach Rosette.
- Crown Gall.
- Fusicladium of the Apple.

*Referred to in second paragraph of Section 3 of the above Act.

Chapter II.

PROTECTION OF ANIMALS AND ANIMAL INDUSTRIES (INCLUDING GAME LAWS).

[LAWS.—*Wild Birds*: Act 33, 1896; Act 13, 1904; Act 26, 1910. *Game Laws*: Law 16, 1891; Act 8, 1906; Act 33, 1909; Act 18, 1910. *Angora Goats*: Act 29, 1908. *Ostriches*: Act 29, 1907; Act 33, 1909. *Miscellaneous Animal Products*: Act 15, 1905.

IN going through the laws concerned with the protection of animals and animal industries, we are able to classify these according as they refer to the protection of game and of wild birds, export of Angora goats and of ostriches, and imports of miscellaneous animal products.

As regards the protection of birds, Act No. 33 of 1896 constitutes the chief piece of legislation, the subsequent Acts noted above merely amending and extending the provisions of the main Act. The killing or catching of certain birds is prohibited under pain of a penalty, and the Governor in Council is empowered to add to the list of protected birds from time to time. Certain scheduled animals and birds, regarded as game, are also protected similarly, a close season being provided from 16th August to 30th April. Protection of game, including "big game," is also indirectly afforded by Act No. 33 of 1909, which prohibits the export of elephant tusks weighing less than eleven pounds, and prescribes an export duty of 20 per cent. *ad valorem* on the horns, hides and skins of certain specified animals and on the tusks of elephants and hippopotami.

The mohair and ostrich industries are protected, the former by Act No. 12 of 1908, and the latter by Acts Nos. 40 of 1901 and 29 of 1907. The export of Angora goats is prohibited except to such other parts of South Africa as have similar legislation governing export; and the same restrictions exist in respect of ostriches and ostrich eggs.

It was chiefly with a view to protecting the bee industry by endeavouring to prevent the entry of the disease foul brood, that Act No. 15 of 1909, known as "The Exotic Animals and Animal Products Act, 1909," was passed. This Act provides that no animals such as are usually included among zoological specimens, bees and their larvæ, honey, beeswax (including foundation comb), or honey and other unmanufactured products of apiculture, may be imported into Natal by sea or land except with the consent of the Minister of Agriculture. A heavy penalty is prescribed for contravention.

I.—WILD BIRDS AND GAME.

ACT No. 33, 1896.

“For the Protection of certain Insectivorous and other Wild Birds.”

1.—*Prohibition of Killing and Taking of Birds Specified in Schedule, or their Eggs.*—No person shall kill, catch, shoot at, or attempt to kill, catch, or aid in killing, catching, or shooting at any of the birds specified in the schedule to this Act, and no person shall at any time take, injure, or destroy the eggs of any of the said birds, except by express permission of the Governor for the purpose of scientific research. Every permission so granted shall specify the particular birds or eggs thereof to which the same shall apply, the time for which it shall endure, and in what division or divisions it shall have effect. A return of such permits shall be laid before the Legislative Council and Legislative Assembly at the next ensuing session.

2.—*Governor in Council may add to the list of Birds.*—It shall and may be lawful for the Governor in Council to add to the list of birds specified in the schedule to this Act the names of any others which it may be deemed desirable to protect, and upon promulgation to that effect in the *Natal Government Gazette*, the provisions of this Act shall be taken to apply to such additional birds in the same way as if they were enumerated in the schedule hereto: Provided always, that a list of any such additions shall be laid before the Legislative Council and Legislative Assembly during the next ensuing session.

3.—*Punishment of Offences.*—Any person contravening any of the provisions of this Act shall, upon conviction, forfeit a sum not less than Half-a-Crown, and not exceeding £1 Sterling, and in default of payment thereof, shall be imprisoned, with or without hard labour, for a period not exceeding one month: Provided always that it shall and may be lawful for any Resident Magistrate, before whom any case is brought, to discharge any juvenile offenders or those offending for the first time with a reprimand.

4.—*Prosecutions.*—All contraventions of this Act may be prosecuted by any person before the Court of the Magistrate of the Division in which the contravention of the Act took place, or in any Branch Court in such Division.

5.—*Arrest for Contravention.*—Any person contravening any of the provisions of this Act may be detained by any constable, or the owner or occupier of land upon which trespass is being made, unless he shall, when thereto required, give his full name and address. Any person giving a false name and address shall be liable to a penalty of £2 Sterling.

SCHEDULE.

| <i>English Name.</i> | <i>Kafir Name.</i> |
|--------------------------|--------------------------------------|
| Locust-bird (large) | Uwamba |
| Locust-bird (small) | Ijiyankomo <i>alias</i> Ihlolam vula |
| Tick-bird (red-beak) | Ihlalanyati |
| Swallows (all varieties) | Inkojane |
| Wagtail | Umvemve |
| White Stork | Igalantete |

PROCLAMATION No. 22, 1905.

(Dated 17th February, 1905.)

Act No. 33, 1896, shall be taken to apply to the birds enumerated in the Schedule attached hereto, in the same way as if they were enumerated in the Schedule to the said Act No. 33, 1896.

| <i>English Name.</i> | <i>Kafir Name.</i> |
|--|--------------------|
| Black-headed Oriole (<i>Oriolus larratus</i>) | Umgeqongo |
| Large Dronko Shrike (<i>Buchanga assimilis</i>) | Intengu |
| Small Dronko Shrike (<i>Dicrurus ludwigii</i>) | Intengwana |
| Durban Wood Shrike (<i>Bradyornis woodwardi</i>). | |
| Black Wood Shrike (<i>Bradyornis ater</i>). | |
| Helmet Shrike (<i>Prionops talacomo</i>) | Ipemvu |
| Grey Cookoo Shrike (<i>Graucalus caesi</i>). | |
| Hartlaub's Cookoo Shrike (<i>Campophaga hartlaubi</i>). | |
| Black Cookoo Shrike (<i>Campophaga nigra</i>). | |
| Red-winged Bush Shrike (<i>Telophonus senegalus</i>) | Inqupan |
| Large Puff-backed Bush Shrike (<i>Dryosopus rufiventris</i>) | Iboboni |
| Lesser Puff-backed Bush Shrike (<i>Dryosopus cubla</i>) | Umlhlopekasi |
| Large Grey-headed Bush Shrike (<i>Lanairius poliocephalus</i>) | Uhlazi |
| Orange-breasted Bush Shrike (<i>Lanairius sulphurei</i>). | |
| Reddy-breasted Bush Shrike (<i>Lanairius rubiginosus</i>). | |
| Olivaceous Bush Shrike (<i>Lanairius quadricolor</i>) | Ugongoni |
| Fiscal Shrike (<i>Lanius collaris</i>) | Iqola |
| Black-backed Shrike (<i>Lanius colurio</i>). | |
| White-flanked Flycatcher (<i>Batis molitor</i>) | Incwaba |
| Spotted Flycatcher (<i>Muscicapa grisola</i>). | |
| Blue-grey Flycatcher (<i>Muscicapa coerulescens</i>). | |
| South African Paradise Flycatcher (<i>Terpsiphone perspicillata</i>) | Uve |
| Broad-billed Flycatcher (<i>Smithornis capensis</i>). | |

| English Name. | Kafir Name. |
|---|-------------|
| Natal Thrush (<i>Geocichla guttata</i>). | |
| South African Thrush (<i>Geocichla litsitsirupa</i>). | |
| Natal Mocking Bird (<i>Cossipha bicolor</i>) | Monanda |
| Natal Chat Thrush (<i>Cossipha natalensis</i>). | |
| Cape Chat Thrush (<i>Cossipha caffra</i>). | |
| Bar-throated Warbler (<i>Aphlis thoraica</i>). | |
| Fawny-headed Warbler (<i>Dryadromas fulvicapilla</i>) | Ugigi |
| Short-tailed Bush Warbler (<i>Sylvicola rufescens</i>). | |
| Brown-throated Bush Warbler (<i>Eremomela usticollis</i>). | |
| Green-backed Bush Warbler (<i>Camaroptera olivacea</i>) | Imbuzana |
| Grey-backed Bush Warbler, Tailor-bird (<i>Camaroptera sundevalli</i>) | Uboii |
| Smith's Fantail Warbler (<i>Cisticola aberrans</i>) | Ngceta |
| Common Fantail Warbler (<i>Cisticola terrestris</i>) | Udogwe |
| Jardine's Babbler Thrush (<i>Crateropus jardinii</i>). | |
| Natal Fantail Warbler (<i>Cisticola natalensis</i>). | |
| Homing or Carrier Pigeons.* | |
| Black and White Titmouse (<i>Parus niger</i>). | |
| Sunbirds, all varieties. | |
| White-eye (<i>Zosterops virens</i>) | Umbhwane |
| Larks, all varieties. | |
| Bush Weaver Bird (<i>Spicoprotus bicolor</i>) | Itilongo |
| Hoopies, all varieties. | |
| Nightjars, all varieties. | |
| Bee-Eaters, all varieties. | |
| Kingfishers, all varieties. | |
| African Trogon (<i>Hapaloderma narina</i>) | Umjeninengu |
| Cuckoos, all varieties. | |
| Hammerkop, Mud-lark (<i>Scopus umbretta</i>) | Itegwana |
| Woodpeckers, all varieties. | |

ACT No. 13, 1904.

"To amend Act No. 33, 1896, entitled Act 'for the protection of certain Insectivorous and other Wild Birds.'"

1.—Word "wild" expunged.—The word "wild" wherever occurring in Act No. 33, 1896, shall be expunged.

2.—Addition of Homing Pigeons.—Homing or carrier pigeons shall be added to the list of birds in the Schedule of Act No. 33, 1896.

Added by Act No. 13, 1904 g.v.

3.—*Magistrate's Jurisdiction.*—The Magistrate before whom any person is convicted of killing, catching, or shooting at homing or carrier pigeons may, in passing sentence, adjudge such person to pay to the owners of the pigeons the value thereof or of the injury which may have been done them, not exceeding Five Pounds (£5) Sterling, and any sum so awarded may be levied in execution of the Magistrate's judgment, together with the costs incidental to the levy.

ACT No. 26, 1910.

"To authorise the suspension of Act No. 33, 1896, in regard to the Tick Bird."

1. The Governor may from time to time by Proclamation suspend the operation of Law No. 33, 1896, in regard to the bird known as *Buphaga erythrorhyncha*, the Tick Bird (red beak) or *Ihlalanyati*. Such Proclamation may extend to the whole of the Colony or to any specified part or parts, and may be revoked by a like Proclamation.

LAW No. 16, 1891.

"To Consolidate and Amend the Laws relating to Game."

2.—*Definitions.*—In this Act—

"Game" means any of the animals or birds mentioned in Schedules B and C of this Act.

"Owner" includes a corporation, local board, trustee, and any person having charge of lands under statutory authority, or private trust or the like.

"Occupier" includes any person having shooting rights over any land under a written agreement.

"Native Trust Lands" means lands belonging to the Natal Native Trust or held in any public trust for Natives.

"The Minister" means the Minister whose department is charged with the administration of this Act.

The expression "*kill or catch*," or any like expression, includes intentionally disturbing, chasing, shooting, or shooting at, injuring or destroying, in whatever manner or by whatever means, and also includes any attempt to do any of such things; and also includes aiding or being knowingly a party to any of such acts.

3.—*Close Season.*—The close season under this Act begins on the sixteenth day of August, and continues to the thirtieth day of April, inclusively, in each year. The Governor in Council may, however, by proclamation, vary the close season for any species of game mentioned in the proclamation.

4.—*Prohibited Methods of Capture.*—No person shall at any time kill or catch any game by means of nets, springs, gins, traps, snares, pit-falls, or sticks, or have in his possession for the purposes of killing or catching any game, or set any such thing as aforesaid for such purposes.

The section shall not, however, apply to the destruction of the birds included under Schedule B by Natives by means of sticks within a native location at any time out of the close season.

No person shall at any time kill or shoot at with a shot gun, that is to say a gun discharging more than a single bullet at a time, any kind of antelope or deer except rheebok, boschbok, bluebok, klipspringer, duiker, grysbok, inhlengane, and imbalala.

5.—*Restrictions on Killing Game.*—No person shall during the close season kill or catch any of the game mentioned in Schedule B of this Act.

6. No person shall at any time kill or catch any of the game mentioned in Schedule C of this Act except under the authority of a permit signed by the Minister, who shall, subject to the special provisions of this Act, have full discretion to grant or refuse such permit.

Application for a permit shall be made to the Minister in writing.

Every license to kill game in a reserve, or to kill any of the game mentioned in Schedule D, shall bear stamps up to a value calculated according to the rates respectively shown in Section 8 and Schedule D so far as they may apply, and sufficient to cover all game for which the permit is granted, but in no case shall the stamps be of a less value than Five Pounds (£5). No refund will be made in the event of the holder of the permit being unsuccessful in killing or catching any of the game mentioned.

No such permit shall be granted for or be available at any time except from the first day of May to the fifteenth day of August inclusively.

No such permit shall include roan antelope, buffalo cow, or koodoo cow, more than one black rhinoceros, one hippopotamus, one buffalo bull, two waterbuck, one koodoo bull, two inyala, and two impala.

The permit may contain such special conditions as the Minister may think proper, or as may be required by the regulations.

The permit shall be personal and not transferable, and shall specify the description and number of each class of game to be killed or caught, the time during which it will be available and the place in which it is to be used. Not more than one permit shall be issued to any person during any one year.

The permit must be produced to the Magistrate of the Division in which it is to be used for endorsement by him, and it shall not be available for use until so endorsed.

Every person hunting under the authority of a permit shall be required to produce it whenever so required by a constable or other person having authority for the purpose of inspecting licenses.

7. No person shall at any time kill or catch any of the game mentioned in Schedule E, nor shall any such game be included in a permit. The Governor in Council may, by proclamation, add to the list in Schedule E any game to which it may in his opinion be necessary to give special protection, and this Act shall apply to game so added as if it were included in Schedule E of this Act.

8.—*Reserves—Permits.*—Reserves, within which it will not be allowed to kill or catch game at any time without a special permit granted by the Minister, for the varieties of game specified therein may from time to time be established by the Governor in Council by notice in the *Natal Government Gazette*. Such notice may from time to time be varied or revoked by a like notice.

All Reserves heretofore established in the Province of Zululand shall be deemed to be Reserves established under this Act.

Every such special permit will be granted upon the same terms, and under the same conditions, and subject to the limitations in regard to the game which may be included in the permit, as are hereinbefore provided with regard to permits to kill and catch the game mentioned in Schedule C.

Every such permit shall bear stamps to the value of Ten Pounds (£10) irrespective of, and in addition to, any special sum appointed by Schedule D.

Any person found in a Reserve in circumstances indicating that he was unlawfully in pursuit of any game, shall be guilty of a contravention of this Act, unless he shall satisfy the Court that he was not there for any such purpose.

9.—*Cancellation of Permits.*—Any permit under this Act shall be cancelled by the Magistrate if it is found that the person to whom it was granted has made a fraudulent or illegal use of it, or has killed or caught any game in excess of or other than that specified in the permit, or has broken any of its conditions, or if he refuses, or fails without just excuse, to produce it when so required by a person having authority for the purpose. The permit shall thereupon become void, and no refund will be made of the money paid for it.

10.—*Special Permits for Killing certain Destructive Game.*—It shall be lawful for any Magistrate, notwithstanding the foregoing provisions of this Act, on the application of the owner or occupier of any land who

shall satisfy him that hartebeest, boschbok (male and female), duiker, hares, partridges, or guinea fowl, are causing loss and damage by destroying trees, plants, or standing crops, to grant a special permit to the person applying to destroy in whatever manner he may please such hartebeest, boschbok (male and female), duiker, hares, partridges, or guinea fowl upon such land only, during a time to be specified in the permit, but not exceeding six months in duration and renewable from time to time upon further application of the owner or occupier.

11.—*Killing Destructive Game in Zululand.*—The Minister shall have power to grant permission to residents of the Province of Zululand, to kill game during the close season, if it proved to his satisfaction that the game is doing damage to crops, or in times of scarcity. Such permission may exclude any specified kinds of game, and shall in no case include elephants, white rhinoceros, eland, roan antelope, buffalo cow, koodoo cow, or springbok.

12.—*Killing Game on Crown Lands, etc.*—If any person shall kill or catch any game upon Crown Lands, or Native Trust Lands, or go upon any Crown Lands or Native Trust Lands, with intent to kill or catch any game, without having first obtained from the Magistrate of the Division a written permit for the purpose, or if he shall kill or catch any game otherwise than is authorised by such permit, he shall be guilty of a contravention of this Act.

Permits.—The permit shall specify the game to be killed or caught, the locality in which the permit is to be used, and the time for which it is to be available. The Magistrate may revoke a permit, and from that time it shall cease to be of any authority.

Nothing in this section shall be deemed to dispense with the necessity of obtaining a permit from the Minister, in the cases hereinbefore mentioned.

13.—*Trespassing in Pursuit of Game.*—If any person shall, with intent to kill or catch any game, trespass upon any land, other than Crown Land, or Native Trust Land, without the consent of the owner or occupier, he shall be guilty of a contravention of this Act.

14. Any person so going upon Crown Land or Native Trust Land, or trespassing upon private land as aforesaid, may be required, in the case of Crown Land or Native Trust Land, by the Magistrate or by a constable, or game conservator, or any other person authorised by the regulations, and in the case of private land by the owner or occupier, or his agent or servant, to forthwith quit such land, and also to state his name and residence; and if he shall refuse or wilfully delay to quit the land, or to give his true name and address when required to do so, he shall be guilty of a contravention of this Act.

15.—*Unlawful Possession of and Dealing with Game.*—Any person

who shall during the close season possess, carry, sell, or offer for sale, any game, dead or alive, mentioned in Schedules B and C of this Act, or who shall at any time possess, carry, sell, or offer for sale, any game, dead or alive, for which the Minister's permit is required, shall be guilty of a contravention of this Act, unless he shall prove that the animal or bird was either killed or caught, or bought or received during the period in which such animal or bird could be legally killed or caught, or that it has been lawfully killed or caught in pursuance of a permit, the case may be, or that it has been imported by sea.

Any person who shall be found in the possession of any of the game authorised in Schedule E, dead or alive, shall be guilty of a contravention of this Act, and shall be liable to the same punishments as are provided for killing or catching such game as aforesaid, unless he shall show that he became lawfully possessed thereof, and that there was no infringement of this Act in respect of the killing or catching of such game.

16.—*Forfeiture*.—Any game, or the carcase thereof, or any skin, hide, horn, tusk, or other part of the carcase of any game, found in the possession of any person, may be seized and forfeited to the Government without any adjudication of forfeiture being required, unless it is shown that it has been obtained without infringement of this Act.

17.—*Employment of Natives*.—No person shall employ a Native to hunt game. A person holding a permit or otherwise lawfully engaged in hunting game may, however, employ Natives to assist him, but such Natives shall not use firearms.

18.—*Regulations*.—The Governor in Council may from time to time make regulations for any of the purposes of this Act.

The contravention of any such regulations shall be punishable by a fine not exceeding Five Pounds (£5).

19.—*Punishment of Contraventions*.—Any person guilty of a contravention of this Act for which no special punishment is appointed shall be liable to a fine not exceeding Ten Pounds (£10), and in default of payment to imprisonment, with or without hard labour, for any term not exceeding three months.

In cases where the contravention is in respect of game included in Schedule D, or killing or catching game in a Reserve without the necessary permit, the person shall, in addition to any penalty which may be imposed, be adjudged to forthwith pay to the Magistrate the amount of any license or permit, which in terms of this Act should have been first obtained.

20. Any person who shall kill or catch any of the game mentioned in Schedule E, or who, without having the proper permit by the Minister, duly endorsed by a Magistrate, shall kill or catch any hippopotamus or black rhinoceros, shall be liable to a fine not exceeding One Hundred

Pounds (£100), and in default of payment to imprisonment, with or without hard labour, for any term not exceeding six months.

21.—*Imprisonment*.—In any prosecution under this Act it shall be lawful for the Court, upon a second or later conviction, or if the Court is of opinion that, having regard to the circumstances of the case, a fine would be an inadequate punishment, to impose such sentence of imprisonment as is appointed for the offence without giving the option of a fine.

23.—*Zululand*.—The Governor in Council may from time to time, by proclamation, remove any specified game from the lists contained in Schedules B or C of this Act, as regards the Province of Zululand, and may transfer such game to the list in another schedule, for the purposes of the said Province. Such proclamation may from time to time be varied or revoked by a like proclamation.

Subject to the powers of alteration given as aforesaid, the following game shall, as regards the Province of Zululand, be excluded from the Schedule C and included in Schedule B of this Act: The imbabala or female boschbok, the rooi rheebok, the male rietbok, the steenbok, the inkumbi or red boschbok, the paauw, koran, and crane.

[Dated 29th June, 1906.]

SCHEDULE A.

[List of enactments repealed.]

SCHEDULE B.*

All varieties of the birds undermentioned, and known in this Colony as the partridge, pheasant, dikkop, wild guinea fowl.

Hares and all varieties of the antelope genus, generally known in this Colony as the rheebok, boschbok, bluebok, duiker, grysbok, inhlengane; also the zebra and blue wildebeest.

SCHEDULE C.†

The hippopotamus, commonly called seacow, steenbok, klipspringer, hartebeest, eland, koodoo, rietbok, impala, inyala, blesbok, ouribi, rooi rheebok, female boschbok, commonly known as imbabala, red boschbok, commonly known as inkumbi, buffalo, waterbuck, rhinoceros, Java or Mauritius deer, paauw, korhan, crane, and ostrich.

*Referred to in Sections 5 and 15; and as amended by Act 18, 1910.

†Referred to in Sections 6 and 15; and as amended by Act 18, 1910.

SCHEDULE D.*

Stamp duties upon permits to shoot game:—

| | |
|-------------------------------------|-----|
| For each Hippopotamus | £20 |
| For each Black Rhinoceros | £20 |
| For each Buffalo Bull | £10 |
| For each Koodoo Bull | £10 |
| For each Eland Bull | £5 |

SCHEDULE E.†

Elephant; White Rhinoceros; Eland Cow; Roan Antelope; Springbok; Buffalo Cow; Koodoo Cow.

ACT No. 18, 1910.

“To amend the Game Act No. 8, 1906.”

1. A Magistrate shall, upon application by any landowner in his Division, grant him a permit for the destruction of hares upon his land during the close season of any year.

2. The Klipspringer shall be transferred from Schedule B to Schedule C of the Game Act No. 8, 1906.

ACT No. 33, 1909.

“To regulate the export of elephant tusks and the horns, hides and skins of certain game.”

1.—*Export of Tusks under 11 lbs. Prohibited.*—No elephant tusk weighing less than eleven pounds shall be exported from the Colony. Any person exporting or attempting to export a tusk in contravention of this Act shall be liable on conviction before a Magistrate to a fine not exceeding £50 and the tusk shall, if found, be confiscated.

2.—*Export Duty on Certain Hides, etc.*—The horns, hides or skins of the animals mentioned in the schedule to this Act, and the tusks of elephants and hippopotomi shall be subject upon export from the Colony to a duty of twenty per cent. of their value at the port of export.

Any person exporting or attempting to export any hides, skins, tusks or horns as aforesaid in contravention hereof shall be liable on conviction before a Magistrate to a fine not exceeding ten pounds sterling for every such article exported or attempted to be exported, or in default of payment thereof to imprisonment with or without hard labour for a period not exceeding three months unless such fine be sooner paid.

*Referred to in Sections 6 and 19.

†Referred to in Sections 7 and 20.

3.—*Customs Laws Applied.*—The export duties under this Act shall be paid to the Collector of Customs and the Customs laws and regulations applicable to the collector of import duties, seizure and forfeiture of articles liable to such duty, and all other matters incidental thereto shall, *mutatis mutandis*, and as far as may be practicable apply to such export duties and articles liable thereto, subject to any special alterations which may be made by the regulations hereinafter provided for in order to adapt such and regulations to the purposes of this Act.

4.—*Regulations.*—The Governor in Council may from time to time make regulations for giving effect to this Act.

Schedule.

Elephant, rhinoceros, hippopotamus, giraffe, or cameleopard, buffalo, eland, koodoo, hartebeest, bontebok, blesbok, gemsbok, rietbok, klip-springer, zebra, quagga, Burchell's zebra or any gnu or wildebeest of either variety.

II.—ANGORA GOATS.

ACT No. 29, 1908.*

"To amend the Law relating to the Export of Angora Goats."

Short Title: "The Angora Export Act, 1908."

1.—[Repeal of Angora Export Duty Act (No. 12), 1907.]

2.—*Export of Angora Goats Prohibited except in certain cases.*—

- (1) On and after the coming into operation of this Act, it shall not be lawful to export from this Colony, save as in this section provided, any Angora ram or ewe.
- (2) Nothing in this section contained shall apply to the export of any Angora ram or ewe from this Colony to any Colony or territory in South Africa in respect of which the Governor shall declare by proclamation in the *Government Gazette* that there is a law in force in such Colony or territory prohibiting, under penalties equal to the penalties hereinafter mentioned, the exportation therefrom of Angora rams or ewes, except to a Colony or territory in South Africa which is in like manner exempted from the prohibition contained in such law.*

See *Government Gazette* for Nov. 13 and Dec. 23, 1908, for the application of this sub-section to the other S.A. Colonies, etc.

3.—*Penalty for Contravention.*—Any person who shall contravene the provisions of this Act shall be guilty of an offence, and shall be liable on conviction to imprisonment with or without hard labour for a period not less than one year and not exceeding two years.

[Dated 17th Oct., 1908.]

ACT No. 29, 1907.

“To prohibit the Export of Ostriches and Ostrich Eggs.”

Short Title: “The Ostrich Export Prohibition Act, 1907.”

2.—*Export of Ostriches or Eggs Prohibited.*—It shall not be lawful to export any ostrich or ostrich egg, except as hereinafter provided, to any place beyond the limits of this Colony, or to any country separated therefrom by sea: Provided, however, that this prohibition shall not apply to the export of any ostrich or ostrich egg to any neighbouring Colony or State which shall, by its own Legislature, have similarly prohibited the exportation of ostriches and ostrich eggs, subject to the aforesaid exemption, to any neighbouring Colony or State, and under a penalty not less than that provided for by this Act: And provided also that nothing in this Act shall prevent the export of the shells of ostrich eggs the contents of which have been removed, or of ostrich eggs which have been rendered unfertile, provided that in the latter case a permit to export shall have been obtained from the officer appointed by the Government for that purpose.

3.—*Penalty.*—Every person who shall contravene the provisions of this Act by exporting any ostrich or ostrich egg (except as hereinbefore excepted), shall on conviction be liable to imprisonment with or without hard labour for any term not less than twelve months nor more than two years.

4.—*Jurisdiction of Court.*—All penalties under this Act may be enforced in the Court of the Magistrate of the Division in which the offence was committed.

ACT No. 15, 1909.

“To control the introduction into Natal and to regulate the disposal of exotic animals and animal products.”

Short Title: “The Exotic Animals and Animal Products Act, 1909.”

1.—*Introduction Prohibited.*—No animal or animal product mentioned in the schedule to this Act shall be introduced into the Colony by sea or land save with the consent of the Minister of Agriculture previously obtained, and under such conditions as he may prescribe.

2.—*Confiscation or Destruction in case of Contravention.*—Any animal or thing which may be introduced into this Colony in contravention of this Act or the regulations which may be framed thereunder shall be confiscated and destroyed or disposed of as the Minister in charge of the Agricultural Department may direct.

3.—*Penalty.*—Any person who may contravene any of the provisions of this Act or of the regulations which may be framed thereunder shall, on conviction in the Court of a Magistrate, be liable to a fine not exceeding one hundred pounds sterling, or, in default of payment, to imprisonment, with or without hard labour, for a term not exceeding six months, or to both such fine and imprisonment, unless he shall prove to the satisfaction of the Court that the introduction was made by him unknowingly and without negligence on his part. Offences under this Act shall be cognisable in the Courts of the Magistrates having jurisdiction.

4.—*Saving of Existing Laws*—Nothing in this Act shall be deemed to repeal the provisions of any Law or Act relative to any disease of animals.

Schedule.

Bees and their larvæ, honey, beeswax (including foundation comb), honeycomb and other unmanufactured products of apiculture.

Such animals as are usually included among zoological specimens.

Chapter III.

BRANDING AND EAR-MARKING.

[LAWS.—Law 22, 1882 ; Law 13, 1889 ; Act 40, 1901.]

The laws with which we are concerned in this chapter—namely, those relating to branding and ear-marking—have been framed for the protection of stock-owners, to prevent the obliteration or alteration of brands and ear-marks on live stock. There are three laws in existence on the subject, *viz.*, Law No. 22 of 1882, Law No. 13 of 1889, and Act No. 40 of 1901. Under the second of these the marking of cattle in any way with intent to defraud, or the obliteration or alteration of marks to the same end, renders the guilty person liable to conviction on the charge of falsity. Furthermore, the removal of the ear or any part of it from an animal (which would obviously render the obliteration of ear-marks an easy matter), is also liable to a penalty, under Law 22 of 1882. Ostriches are protected chiefly by Act No. 40, 1901, but also by Law No. 13 of 1889.

LAW NO. 22, 1882.

“To declare the Law relating to the Fraudulent Marking or Branding of Ostriches and Cattle, and the Fraudulent Obliteration or Alteration of Brands or Marks on Ostriches and Cattle.”

1.—*Fraudulent Branding Constitutes Falsity.*—Every person who, with intent to defraud, or to enable another to defraud, any person, shall mark or brand, or cause or procure to be marked or branded, any ostrich or cattle, with any mark, brand, or earmark, shall be guilty of the crime of falsity.

2.—*Fraudulent Obliteration or Alteration of Brand Constitutes Falsity.*—Every person who, with intent to defraud, or to enable another to defraud any person, shall obliterate or alter or cause or procure to be obliterated or altered any mark, brand, or earmark, on any ostrich or cattle shall be guilty of the crime of falsity.

5.—*Interpretation of “Cattle.”*—In this Law “cattle” shall be taken and demed to mean any bull, bow, ox, heifer, or calf, and any goat, ram, sheep, ewe or lamb, and any horse, mare, gelding, colt, filly, mule, or ass.

LAW No. 13, 1889.

"To prevent the practice of cutting the ears of certain animals for the purpose of making or obliterating distinguishing earmarks."

1.—*Ears of Animals not to be cut.*—It shall not be lawful for any person to cut off or remove the ear of any sheep, goat, horse, donkey, mule, or other animal, for the purpose of a private mark. Any person contravening this section shall be liable to a penalty not exceeding £5.

2.—*Penalty for Obliterating or Removing Private Marks.*—Any person who shall cut off or remove the ear or any portion thereof, or shall pierce or stump the ear of any sheep, goat, horse, donkey, mule, or any animal belonging to the class of horned cattle, being the property of any other person, with the intention of obliterating any private mark, or in such a way as would obliterate the private mark thereon, shall be liable to a penalty not exceeding £50, or imprisonment, with or without hard labour, not exceeding one year, or both fine and imprisonment.

4.—*Ownership of Animals Defined for Purposes of this Law.*—When any animals, such as is in this Law referred to, shall be found to have its ears cut, slit, stumped, or otherwise marked in contravention of this Law, the owner or person in whose possession such animal may be shall be deemed the person who has so contravened the law unless he shall prove that it has been done without his consent.

 ACT No. 40, 1901.

"For the Protection of Property in Ostriches and Ostrich Feathers."

1.—*Ostriches to be Subject of Property as Domestic Animals are.*—Ostriches shall be the subject of property and ownership in the same manner in all respects as domestic animals, and their ownership shall not be lost merely by reason of their having strayed or being temporarily out of possession or control of their owners.

2.—*Wild Nature of Ostriches no Defence to Criminal Charge.*—Upon any charge of theft of ostriches or of ostrich feathers, or of malicious injury to or killing of ostriches, or any other offence in respect of ostriches or ostrich feathers, no exception or defence shall be competent on the ground of any presumption that they are ownerless by reason of the wild nature of the ostriches.

3.—*Registration of Brands.*—Every owner of ostriches shall, within one month after being possessed of ostriches, register a description of the brands which he uses or intends to use for branding his ostriches. No two persons shall be allowed to register the same brand or brands so similar as to be likely to be mistaken for each other.

4.—*Ostriches to be Branded*.—Every owner of ostriches shall cause all ostriches above the age of twelve months to be branded with his registered brand on the thigh.

5.—*Penalty for Failure to Brand*.—Any owner who shall fail to register his brand or to brand his ostriches and keep them well branded shall be liable to a fine not exceeding £10: Provided that there shall be an interval of not less than two months between any two convictions.

6.—*Evidence of Ownership Founded on Brand*.—If any ostrich is branded with the registered brand used by an owner of ostriches such brand shall be *prima facie* evidence that the ostrich belongs to the person whose brand it bears; and in a criminal case, upon proof of the theft of an ostrich so branded, the burden shall rest upon an accused person in whose possession such ostrich is found, of proving that the same was lawfully or innocently in his possession.

Chapter IV.

STOCK THEFTS AND POUNDS.

[LAWS.—*Stock Thefts* : Act 1, 1899 ; Act 1, 1904 ; Act 41, 1905. *Pounds* : Act 42, 1898 ; Act 12, 1905]

THE principal law framed for the detection of stock thefts is Act No. 1 of 1899, but two amending laws have subsequently been passed—Act No. 1 of 1904, and Act No. 41 of 1905.

Live stock cannot be moved from one place to another in Natal without a pass signed as provided by Section 6 of the principal law. Animals can, however, be removed by Europeans without a pass under certain conditions which are laid down under Section 26, 27 and 28 of Act 1, 1899, in which other special circumstances, in regard to Natives, are also provided for.

There are certain observations to be regarded in the purchase of cattle from Natives and Indians, which will be found set forth in the third part of the principal law; and Part IV. of the Act obliges all traders in cattle, whether butchers, auctioneers, merchants, or others, to keep records of their transactions.

The head of any Native kraal near which are found traces of any stolen cattle is made responsible for the theft; and the owner of such cattle has the right to search for the cattle anywhere in the kraal near which the tracks of the animals are found to be obliterated, and he can claim the assistance of the Natives for the purposes of the search. For further details see Section 40 of the principal Act: whilst the responsibility of suspected kraals is dealt with in the sixth part of the same law. Part VII. deals with the offence of harbouring cattle stealers; and Part VIII. is concerned with matters connected with evidence and trials, and the compensation of owners.

Of the Pound Laws, Act No. 42 of 1898 is the principal Act, the second of those noted at the head of this chapter being purely an amending one. This Act provides for the establishment of pounds for the reception of straying stock under certain conditions. The procedure to be followed in connection with the impounding of stock is laid down; and compensation for damage by trespassing cattle is provided for. The poundkeeper is responsible for stock whilst they are in his pound, and he is entitled to charge for so doing. Unclaimed cattle are to be advertised and sold by public auction, after having been first branded. The proceeds

of the sale are used to defray all lawful expenses in connection with the impoundment, and the balance is handed over to the Magistrate pending its claim by the owner of the stock sold. Provision is also made for cattle that are too wild to be driven to the pound. Attempted rescue of impounded cattle, and also illegal impounding of cattle, are subject to a penalty.

I.—STOCK THEFTS.

ACT No. 1, 1899.

“For the better prevention of Cattle Stealing and kindred crimes.”

Short Title: “The Cattle Stealing Act, 1899.”

Part I.

3.—[Repeal of Laws 10, 1876; 30, 1884; 46, 1884; and 17, 1891; and Acts 13, 1895; 21, 1896; 22, 1896; and 24, 1896.]

4.—*Governor in Council may exclude Zululand from Operation of Act.*—The Governor in Council may from time to time, by proclamation, declare that the Province of Zululand, or any named part thereof, shall be excluded from the operation of any specified provisions of this Act, and in the same manner to revoke any such proclamation, either wholly or in part.

5.—*Definition of Terms.*—Unless the context otherwise requires the following words in this Act have the meanings assigned to them in this section.

“*Cattle*” shall mean and include animals belonging to any of the following classes: Sheep, goat, horse, ass, mule, pig, ostrich, and all horned cattle.

“*Cattle Killing*” and kindred words shall include killing of cattle, and any stabbing, wounding maiming, poisoning, or the infliction of any physical injury on cattle.

“*Cattle Stealing*” and kindred words shall include the stealing, theft, or robbery of cattle, or any portion thereof, whether flesh, skin, horns, head, hoofs, or carcass, or any other part, or ostrich feathers, as also receiving cattle or any portion thereof as aforesaid, or ostrich feathers, knowing the same to have been stolen.

“*Court*” shall mean the Court or Judge having jurisdiction in the matter referred to, whether it be the Supreme Court, or the Native High Court, or any Circuit Court or any Judge of the Supreme Court or of the Native High Court, or the Court of the Magistrate.

“*European*” shall, for the purposes of this Act, mean any person other than an Asiatic or Native.

“*Asiatic*” shall include all aboriginal natives of Asia, and their descendants.

“*Kraal*” shall include the hut, house, residence, or place of abode of whatever description of any Native.

“*Collection of Kraals*” shall mean any number of kraals built or erected in the same neighbourhood.

“*Native*” shall mean and include all members of any of the aboriginal tribes of Africa south of the Equator, including Griquas and Hottentots, and shall also include illegitimate children of mixed European and Native parentage, and their descendants.

A Native who is exempted from the operation of Native Law shall not be deemed to be a Native within the meaning of this Act.

“*Spoön*” shall, in addition to its ordinary meaning, include any mark, or impression on, or disturbance of, the surface of any ground, or any mark or impression on or disturbance of any grass, herbage, or wood, on such ground, or any matter or substance left or found upon such ground, grass, herbage, or wood, indicating that any person or persons or any cattle have been at the place, or have passed along in any particular direction.

Part II.

6.—*Pass Required for Removal of Cattle.*—No person shall remove cattle from any place to any other place without a pass for that purpose, which pass shall, save as is hereinafter excepted, be signed by the owner or tenant, being a European, of the place from which the cattle are to be removed, or by a Magistrate or Justice of the Peace (hereinafter referred to as “proper officers”), or by the owner, being a European, of the cattle to be removed.*

7.—*Synopsis of Pass.*—Every such pass shall be upon a printed form approved by the Government and supplied by the Magistrate, free of charge, and shall contain the following particulars:—

The name and address of the person by whom it is granted;

The date of issue;

The name of the owner of the cattle;

The number, description, and brands, if any, of the cattle;

*The passes required by this Section for the removal of cattle may be issued by any person appointed by Government for the purpose. (*Sec. 5, Act No. 41, 1925.*)

The place from which and the place to which the cattle are to be removed;

The name of the driver.

8.—*Period of Validity of Passes.*—No such pass shall be valid for longer than twenty-one days from the date of its issue, unless an extension of its period shall be endorsed thereon by a proper officer or police constable.

9.—*Consent, and Conditions for Grant of Pass.*—The person to whom application is made for a pass for the removal of cattle shall not grant such pass unless he is satisfied that the cattle are the property or in the lawful possession of the person desiring to remove the same, and unless and until there be delivered to him the written consent of the owner or tenant of the place to which it is intended to remove the cattle. He shall also be required to carefully preserve such consent for a period of six months. The provisions of this section regarding consent shall be understood as referring to cases where cattle are being removed from the place on which they have been living to some place where they are intended to remain, and not to cattle being brought from a place where they have been put for a special and temporary purpose, or being taken to some place for a similar purpose. Such consent shall also not be required in the case of cattle intended to be removed to a Native Location or to Crown Lands occupied by Natives, or to any lands not occupied by Europeans.

10.—[Certificate of ownership from Magistrate entitles Native owners to dispense with pass.]

11.—*Duration of Certificate.*—No such certificate shall endure for more than one year, but a fresh certificate may be obtained from time to time.

12.—*Power to Call for Pass and Impound Cattle.*—It shall be lawful for any proper officer or constable or any landowner or occupier through whose land cattle may be driven, or any keeper of a toll bar, or any person specially authorised by any Magistrate who may find any person removing cattle as aforesaid, to call upon him to produce such pass as aforesaid, and, if he shall fail to produce such pass, or if the number and the description of the cattle being removed, or the manner and direction in which they are being removed, or the name of the driver or owner shall not correspond in all material respects with the pass produced, then any such proper officer, constable, landowner, or occupier, toll-bar keeper, or any person specially authorised thereto by the Magistrate as aforesaid shall, if he be able to read such pass and know the same to be incorrect, be entitled to take possession of such cattle and cause the same to be conveyed to the nearest pound, there to remain until liberated by order of the Magistrate, or otherwise disposed of as hereinafter provided.

13.—*Notice and Advertisement of Impounding.*—Any person so causing cattle to be impounded as aforesaid shall communicate in writing to the poundmaster the circumstances under which the same were seized, and the poundmaster shall forthwith inform the Magistrate of the Division, and shall also as soon as possible notify, by advertisement to be published and made known in the manner in which the pound notices for such district are published and made known, the number and description of the cattle, and such information regarding the same as the person causing such cattle to be impounded shall have communicated to him. The Magistrate shall at once inform the Police of the impounding of such cattle.

14.—*Application to Magistrate for Release of Cattle.*—The person from whom the cattle have been so taken, or any other person claiming cattle so impounded as his property, or lawfully in his possession, may apply to the Magistrate of the Division or to a Justice of the Peace for an order for the liberation thereof, and such officer shall enquire into the case, and if satisfied that such cattle are the property of the claimant, or were lawfully in his possession, then such officer shall give an order, in writing, directing the poundmaster of the pound in which such cattle shall be impounded to deliver the same to the claimant upon payment of the pound fees and charges; and the poundmaster shall, at the time of the delivering of the cattle, grant a pass for the protection of such cattle until the arrival thereof at the place to which it is intended to remove the same.

15.—*Impounded Cattle may be Sold.*—Should the person claiming any cattle so seized or impounded as aforesaid fail to show to the satisfaction of the Magistrate or Justice of the Peace that the cattle claimed are his property, or were lawfully in his possession, or should the cattle be unclaimed for a period of one month after notice given by such poundmaster as aforesaid, then the same shall be dealt with in all respects as if such cattle were impounded under the provisions of the laws for the time being in force relative to the impounding of cattle; and the proceeds of sale of any such cattle shall be paid into the Public Treasury.

16.—*Natives Removing Cattle Without Passes liable to Arrest.*—It shall be lawful for any Magistrate, constable, or proper officer, or any other person specially authorised thereto in writing by the Magistrate, or any toll-bar keeper, or any landowner or occupier through whose land any cattle may pass while on his lands, to stop and arrest any Native removing, driving, or leading such cattle, who is not provided with a pass in terms of the preceding provisions of this Act, and also to stop and arrest such cattle until he or they shall be satisfied, or have made enquiry as to the ownership of the cattle, and as to any circumstances which shall in his or their opinion give rise to suspicion, and thereupon, if satisfied,

to release such Native and the cattle, or otherwise, at his option, to send such cattle to the nearest pound, informing the poundmaster of such impounding, and thereupon the provisions of the Sections 14 and 15, and all other applicable sections of this Act, shall apply to such cattle in the same way as if they had been impounded under Section 12 of this Act: Provided always that any Native so stopped or arrested shall not be detained in custody by any person not otherwise authorised to stop and arrest him except for the purpose of forthwith delivering him to some proper authority upon some definite charge of an offence against the provisions of this Act, made *bona fide* and upon reasonable grounds, against such Native.

17.—*Natives may Arrest under Certain Circumstances.*—The inhabitants of a kraal shall have the right to stop any Native driving cattle past such kraal, and to demand from him information regarding the cattle, their owner, and the circumstances of their removal. If the person driving the cattle shall not satisfy them that he is lawfully driving such cattle, the inhabitants of the kraal may arrest him and detain the cattle. Such arrest and detention shall be at once reported to the Magistrate or the nearest police station to be communicated by the police to the Magistrate.

18.—*Liability for Wrongful Arrest.*—If any person found driving cattle shall, upon being lawfully required thereto, produce to the person requiring the same, a pass complying in all material respects with this Act, and, notwithstanding the same, the cattle found with such person shall be conveyed to the pound upon the allegation that the pass produced is not proper and sufficient, or if anyone shall, without reasonable and probable cause, wrongfully impound any cattle, or arrest any Native, under colour of the provisions of this Act, then the owner of the cattle, or anyone entitled to sue in place of the owner, or such Native, as the case may be, shall be entitled to recover compensation from such person for any damage which he may have sustained by reason of the impounding of such cattle (including all pound fees payable or already paid), and by reason of such arrest, if any.

20.—*Malicious Impounding of Cattle or Arrest of Natives.*—Any person who shall wilfully and maliciously and without probable cause, wrongfully impound any cattle, or arrest any Native, under colour of the provisions of this Act, shall be deemed guilty of an offence, and in addition to any other punishment to which he may be subject shall also be liable to pay to the owner of such cattle, or anyone entitled to sue in place of the owner, or to the Native arrested, such damages as the Court before whom the case is brought shall award, and as shall not have been awarded under the preceding section of this Act.

21.—*Resisting Arrest or Impounding of Cattle.*—Any person who shall, by force or violence, or by threatening to use force, or violence, prevent, or attempt to prevent, any proper officer, constable, or landowner or tenant, or keeper of the toll-bar, or any person specially authorised by the Magistrate, from arresting any Native or cattle as aforesaid, or from conveying to the pound any cattle in cases in which he shall be entitled so to do under this Act, or who shall rescue, or attempt to rescue, any such Native, or such cattle, against the will of the person in charge thereof, either on their way to the pound in terms of this Act, or after the same shall have been impounded with any poundmaster, or otherwise, shall be guilty of an offence.

22.—*Offence of Granting False Passes.*—Any person who shall knowingly grant any pass required by this Act which shall contain any wilfully false statements or description in respect of any material matter, or who shall grant any such pass in contravention of the provisions of this Act, or who shall fraudulently alter any such pass, or who shall procure any such pass by wilfully false statements or representations, shall be guilty of an offence.

23.—*Saving of Powers to Arrest under other Laws.*—Notwithstanding anything contained in this Act, any Magistrate, Justice of the Peace, Police Officer, or other such authorised person, shall possess the same powers or arrest of persons, and the same powers in respect of seizure and detention of any cattle which he may have reasonable ground for supposing to have been stolen, or which he may by any other Law or Act be specially authorised to detain, as he possessed before the passing of this Act.

24.—*Cattle to be Driven along Public Road.*—Any Native when removing cattle shall, so far as circumstances permit, drive them by the nearest way to a public road, and shall keep upon the road so far as possible towards his destination.

25.—*Definition of Offence.*—Any person, save as is excepted in the next section, who shall remove cattle in contravention of the foregoing sections of this Act shall be guilty of an offence.

26.—*Saving as to Europeans and Police Force.*—This part of the Act shall not apply to cattle removed by Europeans from one place to some other place within the Colony distant less than ten miles therefrom, nor to cattle used by Europeans, under saddle or pack saddle, or for the purposes of conveyance or transport, nor to cattle in the possession of any member of the Natal Police Force in that capacity.

27.—*Exemptions from Arrest or Detention.*—Notwithstanding the provisions of this part of the Act, any person riding a horse or driving cattle shall in the following circumstances, the proof of which shall rest with him, be allowed to proceed without being molested for not carrying

a pass, unless there are reasons for believing that the horse or cattle have been stolen;—

- (a) If he is driving the horse or cattle to the pound under the provisions of this Act, or of the Laws relating to pounds.
- (b) If he is engaged in a matter of emergency that will not admit of delay.
- (c) If he is a Native Chief, or accompanying a Native Chief as part of his escort, or acting as messenger of a Chief.
- (d) If he is lawfully driving cattle to or from a Court for *bona fide* purposes of evidence, or under a letter or direction of the Court.
- (e) If the cattle are drawing any vehicle used for transport.
- (f) If the cattle are being driven to or from their place of working or pasturage, such place being distant not more than three miles from the kraal of the owner of such cattle.

28.—*Restriction of Meaning of Removal.*—No cattle shall be deemed to be removed within the meaning of this part of the Act merely by reason that they are found moving from place to place within the limits of the land occupied by the owner of such cattle, or of which he has the lawful use, for the purpose of keeping, grazing, or watering such cattle.

29.—*Certain Sections to Apply to Asiatics.*—The provisions of Sections 16, 19, 20, 21, and 24 of this Act shall apply to Asiatics in every respect in the same way as to Natives.

Part III.—Purchase of Cattle from Native or Asiatic.

30.—*Passes to be Produced.*—Whenever a Native or Asiatic, while removing, leading, or driving cattle for which a pass is required under the provisions of the preceding part of this Act, shall offer to sell or dispose of any of such cattle, the person to whom such cattle shall be offered for sale and disposal, and the person acting or intending to act on behalf of any such Native or Asiatic in selling or disposing thereof, before making such purchase or sale, as the case may be, shall be required to demand and receive from such Native or Asiatic a pass in terms of the provisions of the preceding part of this Act in respect of each and all such cattle, and to satisfy himself of the genuineness thereof, and in every case to use all reasonable precautions to satisfy himself that such Native or Asiatic is the owner of such cattle or otherwise rightly entitled to sell the same.

31.—*Retention of Pass by Receiver of Cattle.*—The person receiving such cattle as aforesaid shall retain the pass accompanying the same, and

if the pass shall refer to and include any other cattle than those which he shall so receive, he shall be required to furnish to the Native or Asiatic an exact copy of the pass, stating at the foot or on the back of the copy the number and description of cattle which he has received, and certifying the same under his own name; or if he be unable to write, then he shall be required to obtain a copy certified by some trustworthy person,

32.—*Purchasing Cattle without a Pass an Offence.*—Any person purchasing from or selling on behalf of a Native or Asiatic any cattle without first complying with the foregoing provisions of this part of the Act, or any person failing, neglecting, or refusing to furnish any Native or Asiatic with a certified copy of the pass in compliance with the provisions in the thirty-first section contained, shall be guilty of an offence.

33.—*Liability of Agent or Receiver in Fraudulent Sale.*—Whenever any cattle shall have been sold or disposed of in fraud of the rightful owner or the person rightly entitled to possess the same, any person who shall have received the same from a Native or Asiatics or acted on behalf of such Native or Asiatic in selling or disposing of the same may, on being sued in a competent Court, be adjudged to make good to the owner or person rightly entitled to possess such cattle, the value of such cattle, unless he shall satisfy the Court that he had complied with the provisions of this Act: Provided that nothing in this section shall be deemed to deprive any person, whose cattle have been so sold or disposed of, of any right or remedy which would otherwise be competent to him.

Part IV.—Butchers and Auctioneers.

34.—*Butchers to Keep Register of Cattle.*—Every butcher shall keep at his place of business a register in the form of Schedule 2 of this Act, in which shall be recorded, according to the tenor of the headlines of the several columns, the particulars of all cattle purchased by him or received or used for the purposes of his business.

35.—*Auctioneers, etc., to Keep Register.*—Every auctioneer and every merchant or trader or dealer who shall as such buy or sell the cattle in the way of trade shall keep a register in the form of Schedule 3 of this Act, in which shall be recorded, according to the tenor of the headlines of the several columns, the particulars of every such sale or purchase of cattle.

36.—*Butchers, Auctioneers, etc., dealing with Natives and Asiatics.*—In the case of cattle purchased from Natives or Asiatics for which a pass is required in terms of this Act, the pass or a duly certified copy thereof, when taken from the Native or Asiatic, shall be numbered by such butcher, auctioneer, merchant, trader, or dealer with the same number as that inserted in the last column of the said registers, and shall be kept for not less than one year after such purchase or sale.

37.—*Inspection of Registers.*—Every such register and the passes therein referred to may at all reasonable hours be inspected by any member of the Police Force or any person duly authorised thereto in writing by a Magistrate or other officer of police holding rank equal or superior to that of a sergeant.

38.—*Failure to Keep Register.*—Any such butcher, auctioneer, merchant, trader, or dealer, who fails to keep a register as aforesaid, or refuses or fails to allow the same, together with the passes, to be inspected as hereinbefore provided, or to give to a member of the Police Force or any other person duly authorised as aforesaid, any information which he may have in regard to cattle so purchased or sold, shall be deemed to have committed an offence against the provisions of this Act.

39.—*Manager of Business liable as well as Principals.*—The manager or other person in charge of the butcher's business, auctioneer's business, or merchant's, trader's or dealer's business, or the branch thereof at which the register should be kept, shall be under the same obligations and liabilities, and be subject to the same punishments, as are hereinbefore provided in regard to such butchers, auctioneers, merchants, traders, or dealers.

Part V.—Provisions as to Spoor of Cattle.

40.—*Responsibility in respect of Animals whose Spoor is Traced to a Kraal.*—Whenever the spoor of any cattle which have disappeared under circumstances indicating the probability of theft (which cattle are in this and the next part of this Act referred to as stolen cattle), or of any person driving stolen cattle, or of any animal used in driving them, is traced to any Native kraal or close neighbourhood thereof, responsibility in respect of such stolen cattle shall be determined as is herein-after provided. that is to say:

- (a) The head of any Native kraal (umnumuzana) shall be responsible for the value of any stolen cattle, the spoor of which is traced to such kraal, when corroborative evidence is forthcoming, to the satisfaction of the Court trying the case that the theft in question was committed.
- (b) The owner of any stolen cattle, the spoor of which has become lost or obliterated in the close neighbourhood of any Native hut, kraal, enclosure, or lands, has a right of search for any traces of any such cattle in any such hut, kraal, enclosure, or lands, and any person who shall unduly prevent any such search, or cause any wilful obstruction, or shall wilfully cause the loss or obliteration of any spoor, may be convicted of an offence under this Act.

- (c) When the owner of any stolen cattle is on the spoor of such cattle, it shall be lawful for such owner to demand from the Natives living in the neighbourhood all reasonable assistance in following up the spoor, and whoever neglects or refuses to give such assistance, may be convicted of an offence under this Act.
- (d) When such spoor cannot be traced to any specific Native kraal or kraals, but is lost, or becomes obliterated on any lands, then the responsibility for the value of any such stolen cattle shall devolve upon the heads (abanumuzana) of the kraals adjacent to, and surrounding the spot where such spoor has been lost or obliterated; and it shall be lawful for the Magistrate so to fix such responsibility by a penalty not exceeding two head of cattle, or their money value, to be levied by such Magistrate. Any sum so levied shall be paid to the public revenue.
- (e) Whenever a spoor is traced to or within the confines of any locality occupied by any Native kraal, or kraals, or to or within an area occupied by any community or section of a tribe, if the Native occupying such kraal or kraals or locality, or constituting such community or such section of tribe, without lawful excuse, neglect, or refuse to receive, to take over and follow such spoor, they may be convicted of an offence under this Act.

41.—*Preceding Section to apply to certain cases where Spoor only of Natives can be Traced.*—The preceding section shall apply to the following cases where there is corroborative evidence to the satisfaction of the Court that the offence was committed, in the same way as if the spoor therein mentioned had been that of stolen cattle traced to such kraal:—

- (a) Where it shall appear that cattle have been stolen or removed without any spoor of the cattle being left, but where the spoor of the persons stealing or removing the same shall be traced from the place from which the cattle have been stolen to the kraal intended to be made responsible.
- (b) Where cattle have been killed, and the spoor of some Native leads from the body of the animal killed, or the place of killing, to the kraal intended to be made responsible.

42.—*Fraudulent Creation of Spoor or making Malicious Search.*—Whoever fraudulently or with intent to injure another shall create any spoor, or shall maliciously and without reasonable cause make the search

referred to in Sub-section *b* of Section 40, shall, on conviction, be liable to either or both of the following punishments, namely:—

- (1) Imprisonment with or without hard labour for any period not exceeding one year;
- (2) A fine not exceeding Fifty Pounds Sterling, and in default of payment, to imprisonment, with or without hard labour, for any period not exceeding one year.

Part VI.—Responsibility of Suspected Kraals.

43.—*Notice of Suspicion of Neighbouring Kraal.*—Where the cattle of any person have been stolen or killed, and the delinquent cannot otherwise be discovered, but such person shall suspect the delinquent to be an inhabitant of one or more neighbouring kraals, he or some person on his behalf may thereupon give either to the Magistrate or to a member of the Natal Police Force (who shall transmit the same forthwith to the Magistrate) a written notice of the stealing or killing of his cattle, and of the kraal or kraals suspected, and thereupon the Magistrate, if satisfied by the affidavit referred to in the next section, or by further enquiry, that there is reasonable ground for suspecting such kraal or kraals, shall forthwith give, or cause to be given, a notice to the head or heads of such kraal or kraals that it is suspected that such stealing or killing has been done by an inhabitant of such kraals or one of such kraals, and that in the event of any more cattle belonging to such person being stolen or killed, and the offender not being discovered, such head or heads of kraals may be made liable to pay a penalty of the value of the cattle stolen or killed.

44.—*Affidavit in Support of Notice.*—The person whose cattle have been stolen or killed shall in every case, in addition to such notice, also lodge as soon as may be with the Magistrate or member of the Natal Police Force an affidavit setting forth the number, character, and description, so far as possible, of the cattle stolen or killed, the date of the stealing or killing, the effort to discover the offender, and the name of the kraal or kraals suspected; and any person making any wilfully false statement in any such affidavit or notice shall be deemed guilty of the offence of perjury.

45.—*Notice of Liability in case of Further Thefts.*—If after such notice has been given by such Magistrate to the head or heads of kraals, other cattle of the same person shall, within one year from the date of such notice, have been stolen or killed, such person shall, as soon as possible, if desirous of having the benefits of this Act, deliver to the Magistrate or a member of the Natal Police Force a like notice of such further stealing or killing and a sworn statement in the manner provided in the preceding section, and thereupon such Magistrate, if satisfied that

there is reasonable ground for suspicion, shall give or cause to be given notice to such head or heads of kraals that further cattle of the said person have been stolen or killed, and that failing the discovery of the offender within a reasonable period to be fixed by the Magistrate, not being less than one month, such kraal head or heads may be subjected to a penalty of the value of the cattle stolen or killed.

46.—[Police to forward copy of notice to Magistrate.]

47.—*Suspected Kraals situated in different Divisions.*—Where the suspected kraals lie within more Magisterial Divisions than one, any Magistrate within whose jurisdiction any kraals may be shall have power to deal with the matter in the same way as if all of the suspected kraals were within his jurisdiction.

48.—*Enquiry by Magistrate.*—If within the period appointed by the further notice the offender has not been discovered or compensation has not been made, the Magistrate may, without any formality of procedure, but in the presence of the kraal heads, enquire into the case.

49.—*Imposition of Penalty by Governor in Council.*—Upon receiving a report from the Magistrate that he is satisfied that any of the inmates of the suspected kraals committed the theft or killing, or had a share in it, or knew of it and took no steps to bring the offenders to justice, it shall be lawful for the Governor-in Council to impose upon the heads of each of the kraals so implicated a penalty, apportioned among them as may be considered proper up to the value of the cattle, and the cost of the search and inquiry. Any such penalty shall be paid to the general revenue.

50.—*Apportionment of Penalties.*—Such penalty may be awarded against any one or more of such kraal heads, and where the penalty is awarded against the heads of more than one kraal, such kraal heads shall be severally as well as jointly liable, unless the Governor in Council shall otherwise apportion their mutual liability.

51.—*Repetitions of Offence.*—Where the stealing or killing of further cattle shall have taken place more than one year, but less than three years, from the date on which the first notice shall have been given, then a further notice may be given as provided in Section 45, and the provisions of Sections 47, 48, and 49 shall apply, except that a penalty shall only be awarded against the head or heads of the suspected kraals in case the Magistrate shall report that he be fully satisfied that the inhabitants generally of the kraals were directly implicated in the stealing or killing of such cattle.

52.—*Duty of Owner to Keep Lists of Cattle.*—This part of the Act so far as concerns stolen cattle shall not be applied in favour of any person who shall not have kept sufficient lists of the class or classes of cattle from which thefts have occurred during the period relating to the ques-

tion at issue, and no such lists shall be deemed sufficient for the purposes of this part of the Act unless they contain a true record of the actual counting of such cattle made at intervals throughout such period of not less than one month.

Part VII.—Harbouring Cattle Stealers and Cattle Killers.

53.—*Offence of Harbouring Suspected Persons.*—If any inhabitant of any Native kraal or collection of kraals shall knowingly, or having reasonable ground of suspicion, harbour or receive any person who shall have either stolen or killed cattle, or shall prevent the apprehension of such person, or shall assist him to escape, such inhabitant shall be deemed to have committed an offence against this Act; and where it shall be proved that some inhabitant had so harboured or received, or prevented the apprehension, or assisted the escape of any such person, but it shall not appear which particular inhabitant was guilty of such offence, then the head of the kraal shall be deemed guilty of an offence against this Act.

Part VIII.—Provisions as to Evidence, Trial, and Compensation in Cattle-Stealing and Cattle-Killing Cases.

54.—*Conviction of a Theft sometimes based upon Finding of Carcase, Skin, etc.*—Whenever there is reasonable evidence that cattle have been stolen and, upon any search, any portion (whether carcass, head, skin, fleece, flesh, horns, hoof, or any other part) of such cattle or any other cattle shall be found in the possession or on the premises or in the house or place or kraal, or in the immediate vicinity of the house, place, or kraal, of any person, and it shall not be made to appear to the Court that such person came lawfully by the same, or that the same was on his premises or in his house, place, or kraal, or in the immediate vicinity thereof, without his knowledge or assent, then such person may, upon any indictment or charge of having stolen the cattle first referred to or other cattle belonging to some person, whether known or unknown, be adjudged to be guilty according to such indictment or charge.

55.—*Persons found in Possession of Portions of Stolen Cattle.*—If any person shall be found in the possession of any cattle, or any portion thereof (whether carcass, head, skin, fleece, flesh, horns, hoof, or any other part) shown to be or to belong to an animal that is missing, or bearing a brand or mark shown to be that of someone else than the person in whose possession the same was found, such person may, unless it shall be made to appear to the Court that he came by the same lawfully, or that it was in his possession without his knowledge or assent, be adjudged guilty of having stolen the said cattle.

56.—*Property of Native Charged with Stealing or Killing Cattle to be Attached.*—On the apprehension or committal of any Native charged with cattle-stealing or cattle-killing the Magistrate having jurisdiction shall cause the property of such Native (except property required to support those dependent on him) to be attached until such time as such Native can be tried, and if such Native shall be acquitted, or if upon conviction the Court shall make no order imposing or granting compensation, then such attachment shall, upon the acquittal or conviction of such Native, be at an end.

57.—*Punishments for Cattle-Stealing and Cattle-Killing.*—Every Native who shall be convicted of cattle-stealing or cattle-killing shall be liable:—

- (a) On the first conviction to a whipping of not more than twenty-five lashes, or to imprisonment, with hard labour, for any term not exceeding five years, or to both such whipping and imprisonment.
- (b) On the second conviction to imprisonment with hard labour for any term not less than three years and not exceeding nine years.
- (c) On a third or further conviction to imprisonment with hard labour for any term not less than six years and not exceeding fifteen years; and
- (d) On each second or subsequent conviction to a whipping of not more than thirty lashes, in addition to any sentence of imprisonment:

Provided always:

1. That the punishment of whipping shall be in no case adjudged to be inflicted upon women.
2. That if at any time arrangements shall have been made by the Natal Government for the carrying out in any other Colony or country of sentences of transportation, then upon a second or subsequent conviction the convicted person may, in lieu of any sentence of whipping or imprisonment, be sentenced to be transported to such Colony or country for any term not less than three years and not exceeding twelve years.
3. That in the case of offenders who appear to be under the age of sixteen years, any whipping shall be inflicted with a rod, and not with a lash.*

*Section as amended by Act No. 1, 1904.

58.—*Compensation to Owner of Cattle Stolen or Killed.*—The Court may adjudge any person who may be convicted of cattle-stealing or cattle-killing to pay compensation to the person whose cattle have been stolen or killed for any damage which he may have sustained by reason of such stealing or killing, including any expenses incurred in the search for such cattle, and any such judgment may be recorded and carried into effect in the same manner and with the same privileges as if it were a judgment by such Court in a civil action.

59.—*Person Adjudged to Pay Compensation may Appeal.*—Any person who may be adjudged to pay compensation under the provisions of the foregoing section shall have the right to appeal to the Supreme Court or to the Native High Court, as the case may be, against the order adjudging such compensation. This section shall not be deemed to refer in any way to the verdict, judgment, or sentence in respect of the criminal charge.

60.—*Security in Case of Appeal.*—The compensation so awarded shall not be paid over to the judgment creditor until the lapse of one month from the date of judgment, unless he shall give security to the satisfaction of the Registrar or the Clerk of the Court pronouncing the judgment for the repayment of such compensation if it shall have been diminished or annulled upon appeal:

Provided always:

- (a) That if the judgment debtor give security to the satisfaction of the Registrar or Clerk aforesaid for the speedy prosecution of appeal against the said judgment, and for the due satisfaction thereof, so far as not reversed upon appeal, execution under any such judgment shall be stayed until the appeal shall have been disposed of or abandoned, unless the Court shall otherwise specially order;
- (b) That upon proceedings of appeal being instituted by any judgment debtor against any such judgment the same shall be stayed unless the Court appealed from shall otherwise specially order, or unless the judgment creditor shall give security as aforesaid for the repayment of anything received under such judgment so far as the same may be reversed upon appeal.

61.—*Evidence in Appeal.*—The Court before which any of the cases referred to in the two preceding sections are tried may at its discretion after verdict or judgment refer to the depositions in the case, and may also then and there, or at some other appointed time, take further evidence upon the question of the compensation to be awarded.

62.—*Apportionment of Liability for Compensation.*—Whenever judgment for any compensation is given in terms of this Act against more than one person, such persons shall be jointly and severally liable thereunder unless the Court shall otherwise specially order.

63.—*Liability of Parents or Guardians.*—It shall be lawful for the Court to impose upon the father or guardian of any Native or Asiatic who may be convicted of cattle-stealing or cattle-killing, and who, in the opinion of the Court, may be under the age of fourteen years, a fine not exceeding the value of the cattle so stolen or killed, as well as to adjudge such father or guardian to make compensation to the injured party in the same way as if such father or guardian had himself been convicted of stealing or killing the said cattle: Provided that such father or guardian shall not be liable to such fine or to make such compensation unless it appear that the offender was at the time of the commission of the offence under his authority and control.

64.—*Certain Acts to be Presumptive Evidence of Intent to Steal.*—Any person who shall be found within a farm or part of a farm enclosed on all sides with a fence, or within any cattle kraal, upon or near which cattle-stealing is prevalent, and who, when so found, was not proceeding along some road or thoroughfare traversing such farm or part of a farm, and who also was on such farm or part of a farm, or in such kraal without the authority or consent of the owner or occupier or of someone who was entitled, or was by the person so found *bona fide* believed to be entitled to give such authority or consent, may be found guilty by the Court before which he is tried of an offence unless he shall satisfy the Court that he was not there with any criminal intent.

65.—*Penalty on receipt of Stolen Cattle without reasonable belief in title of person delivering them.*—Any person who shall in any way acquire or receive into his possession any stolen cattle, without guilty knowledge of any theft, but without having reasonable cause (proof of which shall be upon him) for believing that the person from whom he acquired or received such cattle was lawfully entitled to dispose of the same, shall be deemed guilty of an offence: Provided always that this section shall not apply to cattle purchased on a public market, or at any auction sale or sale held under order of Court.

67.—[Repealed by Act No. 41, 1905.]

68.—[Repealed by Act No. 41, 1905.]

70.—*Saving of Rights to Prosecute other Offences.*—No prosecution or conviction for contravention of this Act shall prevent a prosecution for any offence which, but for this Act, any person might be deemed to have committed: Provided that no person be twice punished for the same act; and provided also that a prosecution or conviction for the

Illegal removal of cattle or for purchasing cattle contrary to the provisions of this Act shall not prevent a prosecution of the same person for cattle-stealing if the cattle prove to have been stolen, or for the crime of receiving such stolen cattle knowing the same to have been stolen.

Part IX.—Miscellaneous.

71.—*Rights of Action not Prejudiced.*—Nothing in this Act shall be deemed to take away any right of action or remedy which would have been competent if this Act had not been passed.

72.—*Arrest without a Warrant.*—If there be reasonable cause for believing that any person has stolen any cattle, or is or has been in unlawful possession thereof, it shall be lawful for any police constable to apprehend or cause to be apprehended such person without a warrant, and to convey him or cause him to be conveyed before a Magistrate.

73.—*Powers of Search.*—Any Magistrate, Justice of the Peace, or Commissioned, or Non-Commissioned Officer of Police, upon being satisfied that there is reason to suspect that any stolen cattle or carcasses, or any portion of the carcasses of stolen cattle, are concealed in any building, hut, kraal or enclosure, may search, or grant written authority to any person applying therefor to search such building, hut, kraal, or enclosure at any time during the day or night.

74.—*Powers of European Owners to Search.*—Any European owner or tenant of land shall, in respect of buildings, huts, kraals, or enclosures, upon his own land, be entitled to exercise all powers conferred by the foregoing section upon the officers therein mentioned.

75.—*Magistrate may Grant Compensation in Excess of his Ordinary Jurisdiction.*—A Magistrate who is under this Act authorised to try any crime or offence may, in all cases in which the Court is entitled to award any compensation to the injured party, give judgment for such compensation notwithstanding that the claim or the amount awarded may exceed his ordinary jurisdiction.

76.—*Reference to Fraudulent Pass Act, 1895.*—The reference in Section 2, Sub-section (b) of Act 16, 1895, to a pass under Laws Nos. 46, 1884, and 17, 1891, shall be deemed to be a reference to a pass under this Act.

77.—*Attempts.*—Any reference in this Act to the crimes of cattle-killing or stealing shall be deemed to include attempts to commit the said crimes.

78.—*“Sisa” Cattle.*—It shall be the duty of every Native receiving cattle for *sisa* purposes to report such cattle to the Magistrate of the Division in which he resides, and also to the Chief of his tribe. Such report shall state the name and residence of the owner of the cattle and

their number and description. The Magistrate shall keep a register of all cattle placed out for *sisa* purposes. Any failure to report the *sisa* of cattle within fourteen days shall be deemed a contravention of this Act, and if any reason appears for suspecting that the cattle have been stolen, the Magistrate may order the head of the kraal not to remove them or allow them to be removed until the permission of such Magistrate be given.

Schedule No. 1.

[(List of Laws and Acts Repealed by Section 3—already given in the reference to that section.)]

Schedule No. 2.

BUTCHER'S REGISTER OF PURCHASES.

| Register No. | Date of Purchase. | From Whom Purchased. | Residence of Owner. | Number and Description of Cattle, Cows, Oxen, Bulls, Calves, Horses, Sheep, Goats, Other Animals, | Brands. | Ear Marks, or other Special Marks | Date of Slaughter | How Skins disposed of. | Number placed on Pass taken from Indian or Native. |
|--------------|-------------------|----------------------|---------------------|--|---------|-----------------------------------|-------------------|------------------------|--|
| | | | | | | | | | |

Schedule No. 3.

REGISTER OF SALES BY AUCTIONEERS, MERCHANTS, TRADERS, OR DEALERS (OR PURCHASES, AS THE CASE MAY BE).

| Registered No. | Date of Purchase, or Sale, as the case may be. | By whose instructions sold, or, as the case may be, from whom purchased. | Residence of Owner. | Number of Cattle, Cows, Oxen, Bulls, Calves, Horses, Sheep, Goats, Other Animals, | Brands. | Date of Sale or Purchase, as the case may be. | Number placed on Pass taken from Native or Indian. |
|----------------|--|--|---------------------|--|---------|---|--|
| | | | | | | | |

ACT No. 41, 1905.

"To Amend the Cattle-Stealing Act, 1898."

1.—*Repeals*.—Sections 67 and 68 of the Cattle-Stealing Act, 1898, and Section 3 of the Proclamation No. 9, dated the 27th day of January, 1903, shall be and the same are hereby repealed.

2.—*Summary Jurisdiction*.—Notwithstanding anything contained in the Cattle-Stealing Act, 1898, Magistrates shall have summary jurisdiction in all cases of cattle-stealing and cattle-killing as defined by the said Act, and a remittal for trial shall not be necessary for the purpose of creating such jurisdiction.

3.—*Maximum Punishment*.—A Magistrate may in any such case impose a sentence not exceeding two years' imprisonment, with or without hard labour, and with or without lashes, in no case exceeding twenty.

4.—Act No. 1, 1904, shall not apply to cases tried in a Magistrate's Court.

5.—*Passes*.—The passes required by Section 6 of the Cattle-Stealing Act, 1898, for the removal of cattle may be issued by any person appointed by the Government for that purpose.

II.—POUND LAWS.

ACT No. 42, 1898.

*"To amend the Law relating to the Impounding of Cattle."**Short Title*: "The Pound Act, 1898."

1.—[Repeal of Laws Nos. 8, 1865; 25, 1874; and 16, 1880; and Act 11, 1897.]

3.—*Interpretation of Terms*.—In the construction and for the purposes of this Act, if not inconsistent with the context or subject matter, the following terms shall have the respective meanings hereby assigned to them, that is to say:—

"*Cattle*" shall mean and include all animals of the following tribes:—Horse, mule, ox, ass, sheep, or goat.

"*Herd of Cattle*" shall be deemed to include animals of the horse, mule, ass, and ox tribes. "Sheep" shall also include goats, and the said terms shall be deemed and taken to mean, include, any apply to any one animal of the said several kinds.

"*Stallion*" shall mean and include any entire horse above the age of two years.

"*Bull*" means any bull above the age of one year.

"*Ram*" means any ram above the age of eight months.

"*Poundkeeper*" shall mean any person who may have the authorised charge of any pound.

"*Occupier*" shall mean such person as by virtue of any agreement, lease, or otherwise, is authorised to dwell upon or occupy any lands, either in person, or by any member of his family, or by his servants and stock.

4.—*Not to apply to Municipal Borough, etc.*—This Act shall not apply to any Municipal Borough or any Township constituted under Law No. 11, 1881, nor to unfenced lands of Her Majesty's War Department, nor to any Native Location, save so far as may be enacted in pursuance of the provisions of Act No. 37, 1896.

6.—*Governor to Establish or Abolish Pounds.*—It shall be lawful for the Governor to appoint convenient places in any part of the Colony for establishing, erecting, and maintaining public pounds, and from time to time whenever it seem expedient, to abolish any pounds already established, or which may be established under this Act, and establish other pounds.

7.—*Governor to Appoint or Remove Poundkeepers.*—The Governor may appoint any person to be the keeper of a public pound, and may remove any poundkeeper at pleasure.

8.—*Establishment of Pounds and Appointment of Poundkeepers to be Notified.*—A notification of the appointment or removal of any poundkeeper, or of the establishment or abolition of any public pound, shall be inserted in the *Natal Government Gazette* and in the *Natal Agricultural Journal*, and such notification shall be deemed and taken for all intents and purposes to be evidence that such poundkeeper or pound has been legally appointed, removed, established, or abolished, as in the said notification is mentioned.

9.—*Cattle Trespassing may be Impounded.*—All cattle trespassing upon any private lands, not being lands such as are mentioned in Section 4, may be legally impounded by the owner or occupier of such land, or by anyone in the employ of or instructed thereto by the said owner or occupier.

Cattle shall not be liable to be impounded when staying upon unleased Crown lands or unfenced lands of the War Department, not used for grazing or agriculture: Provided that lands of the Crown which are built upon or otherwise continuously occupied and used for public purposes, shall, for the purposes of this Act be deemed to be private lands, and cattle trespassing thereon may be impounded.

10.—*Cattle not to be Impounded when Lawfully using Land in terms of Law 9, 1870.*—No cattle shall be liable to be impounded whilst lawfully using, in terms of Law No. 9, 1870, any land subject to the right of outspan: Provided always, that any cattle which may have trespassed upon any garden or cultivated ground, or have done any damage to any enclosure, dam, water couræ, hay, or corn stack, may be lawfully impounded, notwithstanding their being the property of a traveller or person who has outspanned upon the land: And provided further, that notwithstanding the provisions of Section 15 of Law No. 9, 1870, cattle found straying untended on any public road or by-road may lawfully be impounded by the owner or occupier of the land through or alongside which such road or by road passes.

11.—*Cattle Trespassing on Unfenced Lands in Unproclaimed Township not to be Impounded.*—In any township not being a borough, and not being a township proclaimed under Law No. 11, 1881, it shall not be lawful for the owner or occupier of any erf or allotment to impound any cattle trespassing on such erf or allotment, or to recover damages in respect of or arising out of any such trespass, unless the said erf or allotment shall be proved to have been, at the time of such trespass, enclosed by a substantial fence as defined in the Fencing Law of 1887.

12.—*Description to be given of Impounded Cattle.*—Every person impounding cattle shall be bound to send such cattle to the nearest accessible pound and give an adequate description of the same: Provided always, that before a person shall be entitled to impound his adjoining neighbour's cattle he shall be bound, before so sending to the pound, to inform the owner of such cattle, by written or verbal notice, to the intent that the owner may then and there release, upon the payment of all damages, the cattle so seized for the purpose of being sent to the pound, such damages to be calculated according to the scale in Section 13: Provided that such notice shall not be required to be sent unless such cattle shall have been properly branded.

13.—*Owner or Occupier entitled to Charge Damages.*—The owner or occupier of land on which cattle have trespassed shall, without being required to prove special damage, be entitled to charge as damages according to the following scale:—

For trespass on grass land:

For each head of cattle except horses, sheep, and goats, 3d.

For each horse, 6d.

For each sheep, or goat, 1d.

For trespass on gardens, crops, or other cultivated lands, four times the above rates:

Provided that should he claim a greater amount of damages, such damages shall be determined by appraisement as hereinafter stated in Section 30.

14.—*Persons Impounding Cattle to send a Note to Poundkeeper describing Cattle unless he Impounds them in Person.*—Any person sending cattle to the pound shall, unless he appears in person before the poundkeepers, write a note to the poundkeeper, acquainting him with their description and number and the distance in miles, and if damages are claimed shall state also in his note the kind of trespass, and where committed, as also the amount of such damages: Provided always, that when any animal shall be taken to the pound by the owner or occupier of the property trespassed upon, in person, then his verbal statement shall be taken, and be recorded by the poundkeeper, and shall be of the same effect as any such note in writing as aforesaid.

15.—*Mileage.*—On delivery of cattle at the pound, the poundkeeper (if required) shall at once pay the person delivering such cattle mileage at the rate of sixpence per mile for the first ten miles, and threepence per mile for each mile between ten and twenty miles, but never to more than one person, except it shall be shown to the satisfaction of the poundkeeper that more than one person was necessarily employed; but no mileage shall be allowed for any distance exceeding twenty miles, and no payment shall be made for returning home of any person driving or taking such cattle to the pound.

16.—*Strange Cattle not to Remain on Land without Owner's Consent.*—Save as it is in this Act otherwise specially provided, the owner or occupier of any land shall not allow any strange cattle to remain on his land for upwards of forty-eight hours, except with the consent of the owner of such cattle, after ascertaining that such cattle are running upon the land; and in default he shall be liable to a penalty not exceeding Twenty Shillings Sterling for each head of such cattle, except sheep or goats, and for sheep or goats, so allowed to remain, two shillings for each such sheep or goat: Provided that such penalty shall in no case exceed Five Pounds Sterling.

17.—*Detention of Cattle.*—A person who has seized cattle for the purpose of sending them to the pound shall be prohibited from tying them up, or confining them in a kraal or other enclosure, without food and water, for a longer period than six hours during the day time; and shall be required to send them to the pound within twenty-four hours after their seizure.

18.—*Cattle not to be Ridden, Worked, or Furiously Driven.*—No person taking or sending any cattle to the pound shall be allowed to ride or otherwise work such cattle, or by furious driving or otherwise to injure such cattle.

19.—*Poundkeeper to Erect and Maintain Pound.*—The poundkeeper shall, at his own expense, erect and keep in repair a pound or kraal sufficiently large and strong securely and safely to keep any cattle which may be sent to such pound.

20.—*If required to Erect New Pound in terms of the Lung-sickness Prevention Act to be Compensated.*—In the event of the poundkeeper being required to erect a new pound in terms of Section 31 of the Lung-sickness Prevention Act 1897, he shall receive compensation therefor to an amount not exceeding £5.

21.—*Poundkeeper to turn Cattle out to Graze Daily.*—The poundkeeper shall take care of all cattle impounded and turn them out to graze daily on suitable grazing land for at least nine hours between sunrise and sunset and under the care of a herd.

22.—*Poundkeeper Responsible for Cattle Lost while Impounded.*—The poundkeeper shall be responsible for any cattle which may be lost during the time they may be impounded, unless he shall prove that such loss was not caused by his neglect or carelessness or the neglect or carelessness of his herdsman or other person employed by him.

23.—*Substitute for Poundkeeper.*—The poundkeeper shall take care that in his absence some other person shall be on the spot to act for him, for whose conduct in the observance of the duties of poundkeeper he shall be responsible and liable as if he had been present in person.

24.—*Receipt to be given for Cattle Impounded.*—The poundkeeper shall at all times receive into the pound (except as hereinafter provided) all cattle delivered at the pound as provided in the foregoing sections, and give a receipt for the same, signed by himself or someone acting on his behalf, in form according to Schedule A of this Act; and on the release of any cattle shall give a receipt in form according to Schedule B of this Act.

25.—*Fees.*—For the cattle so impounded the poundkeeper shall be entitled to charge the following fees:—

| | s. | d. |
|--|----|----|
| For every horse | 1 | 0 |
| For all cattle, except horses, sheep, and goats, per head | 0 | 6 |
| For every sheep or goat | 0 | 2 |

For herding the poundkeeper shall charge a fee of twopence per day for every head of cattle, except pigs, sheep or goats, and pigs he shall charge sixpence per head per day,* and for sheep or goats he shall

* Added by Sec 1 of Act 12, 1905, which reads:—"The fee to be charged by a Poundkeeper for herding pigs shall be sixpence (6d) per head per day, and Sections 25 and 59 of the Pound Act, 1898, are hereby amended accordingly."

charge one half-penny per head per day for the period during which the said cattle, sheep or goats shall have been impounded, which shall be paid by the person claiming such cattle, sheep or goats: Provided, it shall be compulsory on poundkeepers to herd all stallions, bulls, and rams, apart from any mares, cows, or ewes which may be in the pound, and the poundkeeper shall be entitled to charge herding fees as follows:—For stallions, One Shilling per head per day; for bulls, One Shilling per head per day; for rams (either sheep or goats) Threepence per head per day.

26.—*Cattle to be Delivered up on Payment of Fees.*—When any person shall claim impounded cattle such cattle shall immediately be delivered up to him on his paying the impounding fee, the herding fee, the mileage which may have actually been disbursed by the poundkeeper, and the damages payable under the provisions of this Act: Provided, however, that the poundkeeper may require the person so claiming the cattle to satisfy him that such person is entitled to the possession of the cattle.

27.—*Diseased Animals.*—Should any animal sent to the pound be affected with any contagious or infectious disease the poundkeeper may refuse to receive such animal into the pound; but if any animals so sent be affected with contagious or infectious disease the poundkeeper shall deal with them as the law directs; and in case any animal received into the pound shall prove to be dangerously vicious, the poundkeeper shall apply to the Magistrate, who shall make such order thereupon as he shall see fit.

28.—*Poundkeeper not to use Impounded Cattle.*—The poundkeeper shall not, under pain of contravening this Act, use or cause to be used any animal sent to the pound. He shall, moreover, be liable to the owner for any damage done by him, or any of his servants, to any cattle impounded.

29.—*Poundkeeper may Detain Cattle as Security.*—Whenever the owner of any impounded cattle, or anyone in his behalf, shall apply to the poundkeeper to release the same, but be unable at once to pay the pound fees and other charges lawfully made, the poundkeeper shall deliver up the said cattle, only retaining a sufficient number from which to recover all such charges up to the time of the release or sale of the number so retained, as the case may be.

30.—*Damages, how to be Estimated.*—In every case in which damage shall be done by any cattle to any garden or crop growing on cultivated land, or trees, or to any enclosure, dam, watercourse, hay, or corn stack, it shall be lawful for the person damnified, or other person acting on his behalf, forthwith to estimate, with the assistance of two disinterested persons being land owners or registered voters, the extent of

such damage; and such estimate shall be set forth in the note required by Section 14 of this Act to be transmitted to the poundkeeper along with the cattle; or if the cattle shall have been sent to the pound before such estimate could reasonably be made, then such estimate shall be notified so soon as possible thereafter, and a fee not exceeding Three Shillings Sterling, independent of horse hire, if incurred, may be paid or contracted to be paid to each person employed to estimate such damages; and such persons shall sign an acknowledgment thereof, endorsed upon such note.

31.—*Cattle may be Detained as Security for Damage.*—Where such damage shall have been so set forth in such note, the poundkeeper shall be entitled and bound to hold a sufficient number of such cattle, to be pointed out by the owner, if he should desire it, to cover the amount of such damage; and he shall not release them on the mere payment of the poundage charges, unless in addition thereto a sum of money sufficient to cover such damage shall be deposited in his hands, or sufficient security, by a written guarantee, given to the satisfaction of the poundkeeper or the person impounding, for the payment of such damage, and the cost of assessing the same, or the person sending the cattle to the pound shall consent to their release, or such release shall be ordered by the Magistrate or other competent authority.

32.—*How Owner to proceed when Dissatisfied with Estimate of Damages.*—When the owner or person in charge of such cattle shall be dissatisfied with the estimate so put upon such damage, or with a charge made for trespass on cultivated land, when such charge is more than the amount which would be payable under this Act for trespass on grazing land, he shall be entitled, after due notice served upon the person impounding such cattle to appeal, by verbal application, to the Magistrate of the Division within which such damage shall have been committed, or to the Magistrate of the Division within which the pound to which such cattle shall have been sent shall be situated; and such Magistrate, on hearing such evidence as may be tendered, shall decide on such application summarily, and may order such cattle to be released, although the pound in which they may be impounded should not be situate within his Division. Any such Magistrate shall also make such order as to the costs of such application as he shall deem just: Provided always, that even after the amount of damages shall have been paid, it shall be lawful for the owner of such cattle or the person in charge of the same to appeal to the Magistrate of the Division in which the pound may be situate, or in which the trespass may have been committed; and in every such case the Magistrate may make such order for the repayment of any amount of the damages so paid, together with impounding fee, mileage and herding for such cattle, and to make such order as to costs as he may

see fit: Provided further, that such appeal be noted and notice thereof given to the respondent within ten days after such cattle have been released from the pound, or within ten days from the date of the appraisal of the damage caused, when no impounding of the cattle shall have taken place, and the decision of the Magistrate in any case under this section shall be final, and not subject to review or appeal when the amount of such judgment or decision, exclusive of costs, shall not exceed the sum of Fifteen Pounds Sterling.

33.—*Mileage to be apportioned where cattle claimed by different persons.*—In every case where cattle impounded under this Act are claimed or released by different persons, the poundkeeper shall divide and apportion the amount of mileage fees and damage incurred to be paid by the several claimants, according to the number of cattle respectively released by them.

34.—[Unclaimed cattle to be advertised and sold. Damages to be paid out of proceeds of sale. Poundkeeper to require authority before paying.]

35.—*Poundkeeper's Cattle found Trespassing may be sent to the next Pound.*—When cattle found trespassing or committing damage shall be the property of the poundkeeper, or person acting for the poundkeeper of the nearest pound, it shall be optional to the person or whose ground they shall be so found trespassing or committing damage, to send them to the pound whence they have strayed, or to the next nearest pound, and if he should elect to send them to such next nearest pound, he shall be entitled to receive from such poundkeeper, or person acting for him, a sum equal to one-half of the poundage charges payable for such cattle, in addition to the mileage dues, irrespective of damages to which he may be entitled.

36.—*Cattle on their way to the Pound to be released on tender of Damages and Mileage.*—Whenever any person claiming cattle seized for the purpose of impounding them shall tender payment of the damage legally charged or assessed, with fees due to the assessor, and mileage, if incurred, before such cattle shall be impounded, the cattle shall be immediately released and given up, but such tender shall not debar such owner from

37.—[Poundkeeper to keep books.]

38.—[Lists of impounded cattle to be sent to Colonial Secretary and advertised.]

39.—*Branding and Sale of Advertised Cattle.*—All cattle thus advertised, unless previously released, shall on the day appointed for the sale be effectively branded on the right shoulder with the letter P. (for which the poundkeeper shall be entitled to charge One Shilling for every

animal branded other than sheep or goats, and for each sheep or goat One Penny), and shall be sold by the poundkeeper, or by someone acting on his behalf, for cash; and all such sales shall take place by auction at the public pound where the said cattle shall have been impounded, and shall commence at the hour of noon, and the poundkeeper shall neither personally, nor by any other person, either directly or indirectly, purchase any of the said cattle, and every person offending herein shall on conviction forfeit and pay for every such purchase contrary to the true intent and meaning hereof any sum not exceeding Fifty Pounds Sterling.

40.—[Poundkeeper not to require an auctioneer's license, nor to account for any fee or duty to Government.—Animals to be sold singly except mares with foals, and cows with calves.]

41.—*Proceeds of Sale, how to be applied.*—The poundkeeper shall receive the price of any impounded cattle sold under this Act, and, subject to any rules in that behalf, he shall apply the same first in the payment of all lawful fees and other authorised charges, next in payment of the sum due to the person at whose instance the same were impounded, and the residue he shall pay over forthwith to the Magistrate. Such moneys shall then be held for the person entitled thereto, who, upon giving such proof as the Governor shall require, may demand and receive such moneys, and if no claim thereto be established within two years the moneys shall become forfeited to the Government.

42.—*Cattle too Wild to be Driven to the Pound.*—The occupier of any land whereon are found running strange cattle too wild to be driven to the pound shall be bound, within forty-eight hours after ascertaining that such cattle are running upon the said land, to send to the nearest accessible poundkeeper a verbal or written description of the said cattle, together with a verbal or written statement to the effect that the cattle so running are too wild to be driven to the pound; and in default he shall be guilty of a contravention of this Act. This section and the following sections which refer to cattle too wild to be driven to the pound shall not apply to sheep or goats.

43.—*Inspection of such Cattle by Poundkeeper.*—The poundkeeper shall satisfy himself, by personal inspection, that such cattle are according to the description given, and are too wild to be driven to the pound; the expense of such inspection as against the owner shall be at the rate of One Shilling per mile, and shall not exceed Twenty Shillings Sterling in all, and in case such cattle are not too wild, as reported, then the inspection fee shall be paid by the person reporting. If the poundmaster can find any person able and willing to take the cattle to the pound he may engage such person to do so for a fee not greater than that authorised by Section 15, and such cattle shall thereafter be impounded and dealt with as ordinary cattle.

44.—[Poundkeeper to enter description of such cattle in special book.]

45.—[List of cattle to be sent to Colonial Secretary to be advertised.]

46.—*Responsibility for Delivery.*—All cattle so advertised (unless previously claimed) shall be sold by the poundkeeper on the day appointed, as far as possible in accordance with the provisions of Sections 39 and 40 of this Act: Provided, that neither the Government nor the poundkeeper shall be responsible for the delivery to the purchaser of the animal or animals thus sold.

47.—*Proceeds of Sale, how to be applied.*—From the proceeds of the sale of cattle too wild to be driven to the pound the poundkeeper shall, if required, pay to the informant mileage and trespass fees after the rate set forth in Sections 13 and 15 of this Act, and damages which may be claimed in accordance with Section 30; and he shall be entitled to charge for making the necessary entry, and for his trouble in selling such animal or animals, fees as follow:—

| | s. | d. |
|--|----|----|
| For every horse, mule, or ass | 2 | 6 |
| For every other head of cattle | 2 | 0 |

And the residue, after the further deduction of not more than Twenty Shillings Sterling for the cost of inspection, shall be paid over in the manner provided in Section 41.

48.—*Poundkeeper's Certificate.*—The poundkeeper shall give to the purchaser a certificate setting forth a detailed description of the animals, the date on which they were sold, and the name and residence of the said purchaser in full, together with the name and situation of the farm on which the animals have been running, and by whom the information has been given; and the person named in the said certificate, or any person deputed by him, may enter on the said farm within one week from the day of sale and remove therefrom the animals described in such certificate.

49.—*Payment of Damages before Removal.*—After such cattle shall have been advertised as set forth in Section 45 no person shall remove any such cattle from the farm on which they may be running until he has first paid all fees and other charges incurred with reference thereto.

50.—*Owner of Stallion, Bull or Ram Trespassing, liable to Fine.*—In any stallion, bull, or ram, the property or in the lawful possession of any person, shall stray upon any private or Crown land, or upon any village or town land not being within the boundaries of any borough or statutory township, such person shall, upon conviction, be liable to a fine not exceeding Ten Pounds Sterling for each stallion, Three Pounds for each bull, and One Pound for each ram; and if such stallion, bull, or ram

shall have come in contact with complainant's horses, cattle, or flocks, he shall be liable to a fine of Fifteen Pounds Sterling for each stallion, Five Pounds for each bull, and Two Pounds for each ram.

51.—[Poundkeeper to advertise particulars of every stallion, bull, or ram impounded.]

52.—*Statement to be furnished to Poundkeeper.*—Any person impounding any stallion running among the impounder's mares, or bull among the impounder's cattle, or ram among the impounder's flocks, shall deliver to the poundkeeper a statement in writing, containing the name of the farm on which and, the date when any stallion, bull, or ram was found so running. And every such poundkeeper, after he has ascertained the name of the owner or of the person having lawful possession of such stallion, bull, or ram, shall transmit the said statement, together with the name of the person impounding the said stallion, bull, or ram, and of the owner or person having lawful possession thereof, to the Chief Officer of Police of the district in which the owner of said stallion, bull, or ram, or the person having lawful possession of the same may be resident, or in which the farm may be situate.

53.—*Private Person may sue for Damages.*—Nothing in the foregoing section contained shall prevent any person from suing for and recovering in any competent court any damage he may have sustained by reason of the trespass of any stallion, bull, or ram.

54.—[Poundkeeper to produce books when called upon by anyone.]

55.—[Persons rescuing or attempting to rescue cattle or destroying Pound liable to prosecution.—Fine not exceeding £10, or imprisonment with or without hard labour not exceeding three months.]

56.—*Illegal Seizure or Impounding of Cattle.*—Any person who shall wilfully and illegally seize any cattle for the purpose of impounding the same, or who shall wilfully and illegally impound any cattle, shall upon conviction be liable to a fine not exceeding Ten Pounds Sterling, and in default to be imprisoned, with or without hard labour, for any term not exceeding three months.

57.—If any animal shall be illegally seized or illegally placed in the pound the person so illegally seizing or impounding shall, in addition to any criminal prosecution which he may incur, be liable to the owner to repay or make good all damages, costs, and charges arising out of such illegal seizure or impounding, together with an additional sum of double the amount of the pound fees paid for such animal.

58.—*Poultry and Pigeons.*—Poultry and pigeons trespassing upon and doing damage to any garden, cultivated land, dam, watercourse, corn, or hay, on any private lands, may lawfully be destroyed.

59.—*Application of Act to Pigs.*—This Act shall apply to pigs in

the same manner as it applies to sheep; but this shall not be taken to mean that any provisions which refer specially to rams shall apply also to boars. Every poundkeeper shall set aside a separate enclosure in his pound for pigs, and he shall be obliged to maintain the same in a suitable condition for the confinement and housing of pigs.*

60.—*Rules.*—The Governor in Council may make any rules necessary for carrying out this Act. The contravention of any rule shall be deemed a contravention of this Act.

61.—*Penalties for Contravention.*—For any contravention of any requirement of this Act for which no special provision has been made the person contravening shall be liable to a fine not exceeding Five Pounds Sterling, or in default of payment to imprisonment, with or without hard labour, not exceeding one month.

REFERENCES IN OTHER LAWS.

STOCK THEFTS.

On the subject of ostrich thefts, Section 2 of Act No. 40, 1901 (see Ch. III.) says:—"Upon any charge of theft of ostriches or of ostrich feathers, or of malicious injury to or killing of ostriches or of any offence in respect of ostriches or ostrich feathers, or in any action in which the property in ostriches or ostrich feathers is in question, no exception or defence shall be competent on the ground of any presumption that they are ownerless by reason of the wild nature of ostriches."

POUNDS.

For the observances in connection with outbreaks of lung-sickness which the law requires of poundmasters, see Section 30—34 of Act No. 30, 1897 (the full text will be found in Ch. I. (iii.). Lung-sick cattle in public pounds must be destroyed, and poundmasters must report the outbreak of disease to the Magistrate or the nearest stock inspector. A declaration must also be made at sales of impounded cattle as to the date when the last case of lung-sickness occurred in the pound.

Unbranded sheep found running on any Crown lands, Native location, or commonage, may be impounded if no one can be found to claim the same. See the full terms of this provision in Section 9 of Law No. 48, 1887, in Ch. I. (viii.).

See also Sections 12—15, 20 and 21 of Act No. 1, 1899, in part i. of the present chapter.

* See footnote to Sec. 25.

Chapter V.

THE LAW AS REGARDS DOGS.

[LAWS.—Section of Law 13, 1874 ; Law 27, 1875.]

One law only is in existence in Natal relating exclusively to dogs, viz., Law No. 27 of 1875, but Law No. 13 of the previous year also contains a clause referring to trespassing by dogs. Under the latter, a dog not having a collar with the name of its owner legibly inscribed thereon can be destroyed summarily if found trespassing; but the possession of a collar may not save the dog if it is found worrying sheep or other animals or pursuing game. The existing dog tax of 5s. per head was imposed by Law No. 27 of 1875; and the same law also defines ownership in respect of dogs, for the purposes of the law—namely, the occupier of the premises, or the headman of the native kraal, as the case may be, where the dog or dogs concerned are permitted to remain, unless they can prove to the contrary.

LAW NO. 13, 1874.

*“With regard to Trespass on Private Lands.”**

4.—*Dogs Trespassing may be Destroyed, if Uncontrolled.*—If any dog shall be found trespassing on any farm, estate, land, garden, yard or premises belonging to any person, corporation or company, and at large without being under the immediate custody, protection or control of some competent person, or unless such dog shall have a collar round its neck with the name of its owner legibly engraved or painted in English letters thereon,** and such dog, while so found trespassing and at large, may be immediately killed or destroyed by the owner, tenant, or occupier of such farm, estate, land, garden, yard or premises, or by the agent or servant of such owner, tenant or occupier.

Provided that such collar shall not protect a dog from liability to be destroyed if found worrying sheep or other animals, or pursuing game, or if trespassing upon a farm, and not being then in immediate custody, protection or control of some competent person.†

*This Law is given in full in Chapter VII. : “Fencing, Trespass, and Squatting.”

** In *Cuthbert v. North* the dog had a collar, but without a name on it.

†As amended by Act No. 25, 1899.

LAW NO. 27, 1815.

"For abating the nuisance and damage done to property, occasioned by the great number of Dogs in the Colony of Natal."

1.—*Imposition of a Dog Tax.*—There shall be payable to the Government of Natal for all dogs within the said Colony of Natal, a tax of Five Shillings per head per annum.

2.—*Liability for Tax Defined.*—Every person who shall keep or cause to be kept, or have in his possession, care, or charge, any dog or dogs within the said Colony, shall be chargeable with and liable to pay in each and every year during any portion of which he may keep, or cause to be kept, or have in his care or charge, any dog or dogs, for each and every such dog, a tax or sum of Five Shillings; provided, nevertheless, that all dogs under the age of six months shall be exempted from the operation of this Law.

3.—*Governor may order Destruction of Dogs not paid for.*—It shall be lawful for the Lieutenant-Governor at any time by Proclamation to authorise or direct the destruction of any or all dogs for which the aforesaid tax shall not have been duly paid, or of any dogs which, if any registration thereof shall have been by any such Proclamation required, shall not have been duly registered in accordance with any such Proclamation.

4.—*Rules and Regulations.*—It shall be lawful for the Lieutenant-Governor from time to time, and at any time by and with the advice of his Executive Council, to frame and issue by Proclamation such rules and regulations as he may think best as to the time and payment of, and the manner or mode of collection of, the tax imposed by this Law, and of issuing licenses for the same, and as to any required registration of dogs thereunder, and to appoint any officers or other persons for the collection thereof: and to impose by such rules or regulations any penalties not exceeding three pounds, on every person failing to comply with this Law, or with any such rules or regulations, and for all other matters and things which may be requisite or necessary in order to give full force and effect to the provisions of the Law.

5.—[Collection of Tax in Boroughs.]

6.—*Evidence in action for Damages done by Dogs.*—In suing for damages for injury done to horses, cattle, goats, sheep, poultry, or other live stock by dogs, it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog or dogs causing the injury, or the owner's knowledge of such previous mischievous propensity, or that the injury was attributable to neglect on the part of such owner.

7.—*Ownership of Dog defined for purposes of this Law.*—The occupier of any house or premises and the headman of any Native kraal where any dog is kept or permitted to live or remain shall be deemed to be the owner of such dog for the purposes of this Law, unless the said occupier or headman can prove that he is not the owner of such dog, and that such dog was kept or permitted to live or remain in the said house, or premises, or Native kraal without his sanction or knowledge.

8.—*Owner of Dog to produce License when required.*—Every person having in his possession or custody any dog or dogs shall produce the license for such dog or dogs whenever so required by any Resident Magistrate, Fieldcornet, Police Constable, or owner or occupier of the farm on which such person resides, and shall in case of neglect or refusal, if licensed, be liable to a penalty of Five Shillings, or in default of payment be imprisoned for any period not exceeding seven days.

9.—*Operation of this Law.*—This Law shall be in force and extend only to such divisions, counties, or districts as the Lieutenant-Governor, by and with the advice of his Executive Council, shall by Proclamation declare to be under the operation of the Law, and the Lieutenant-Governor, by and with the advice of the Executive Council, may from time to time exempt, by Proclamation, any division, county, or district from the operation of this Law, and may from time to time include within the operation hereof any division, county, or district as may from time to time be found expedient.*

[Dated 17th Dec., 1875.]

RULES MADE BY HIS EXCELLENCY IN COUNCIL.

Under Section 4, Law 27, 1875.—Government Gazette, 29th March, 1887.

2. Every dog above the age of six months shall be licensed and wear a numbered collar or strap.

3. The tax of Five Shillings imposed under the Law shall be paid to the Magistrates or to persons appointed by them for the receipt and collection of the same, and shall be deemed to be payable for and in respect of the year during which it shall be paid.

*The provisions of this Law were extended to the whole Colony, except Maritzburg, Durban, the Northern Districts and Zululand, by a Proclamation appearing in the *Government Gazette* for Nov. 11, 1879. The Northern Districts were included in 1904 (see Proc. 60 in G.G. June 7, 1904) and Zululand in the same year also (see Proc. 121 in G.G. Nov. 22, 1904). For the application of the Law in Pietermaritzburg, see Proc. in G.G. Nov. 11, 1879, and Regulations in G.G. March 4, 1884; as regards Durban, see Procs. in G.G. Nov. 23, 1880, and Dec. 11, 1894.

[Destruction of Dogs authorised as follows :—Divisions of Klip River, Newcastle, and Umsinga, Proc. in G.G. June 28, 1881; Maritzburg, Proc. in G.G. May 20, 1884; Ladysmith, Proc. in G.C. March 28, 1893; Borough of Newcastle, Proc. in G.G. May 9, 1893.]

4. The owner or person in charge of every dog above the age of six months shall take out or procure from the Magistrate, or other person appointed by him, as in the foregoing rule provided, a collar or strap bearing a number or having a numbered plate attached thereto, which he shall cause to be fastened to, or worn by such dog.

5. The Magistrates, or other person, shall issue to applicants a license, as per form annexed, for each and every dog for which a numbered collar or strap has been previously issued; and such license shall specify the number of the said collar or strap, and shall be in force no longer than the 31st day of December next ensuing on the date of the issue thereof.

6. Every such license shall be renewed at the expiration thereof, upon the production by the person applying to the Magistrate, or other Officer, of the expired license or the numbered collar or strap in respect of which the renewal is required.

7. It shall not be necessary for the Magistrate, or other person, when renewing the license, to issue a fresh collar or strap, unless the one previously issued shall be proved to have been lost or destroyed.

8. No dog shall be considered licensed unless the number of the collar or strap worn by such dog shall correspond with the number specified in the license held by the owner or person in charge of the same.

9. Nothing in these rules shall prevent the transfer of the numbered collar or strap from any one dog to any other dog, or the removal of a licensed dog from one ward or district to any other ward or district.

10. Every person contravening or failing to comply with the requirements of these Regulations shall be proceeded against summarily, in the Court of the Resident Magistrate having jurisdiction, upon the complaint or information of any person, and shall, upon conviction, be liable to any penalty not exceeding £3 Sterling.

11. The Lieutenant-Governor may authorise one or more persons to act as Inspectors for each ward or other district within the operation of the Law, whose duty it shall be to visit each house, kraal, or other dwelling, at least once in each year, ascertain the number of dogs kept thereat, and examine all licenses and collars, and any person obstructing or in any way hindering the person so authorised, in the execution of his duty, or failing to assist him when called upon to do so, shall be deemed to have contravened these Regulations. And the persons so authorised as Inspectors shall, as soon as may be, report to the Resident Magistrate having jurisdiction all contraventions or infractions of these Regulations or of the Law under which they are issued.

FORM OF LICENSE.

LICENSE.

(Under Law No. 27, 1875.)

No.

..... 19 .

This is to license and authorise

residing at

in the Division of

to keep the dog wearing the collar or strap numbered

from this date to the 31st day of December next.

Issuing Officer

Ward or District No.

in the Division of

Chapter VI.

ROADS, TRAFFIC, AND OUTSPANS.

[LAWS. — *Roads and Road Boards*: Law 9, 1870; Law 19, 1875; Act 35, 1901. *Traffic*: Law 13, 1865; Law 13, 1874. *Fencing Public Roads*: Act 9, 1902. *Outspans*: Law 9, 1870; Law 14, 1872; Act 15, 1896.]

The construction and maintenance of main roads is provided for by Law No. 19, 1875. The Chief Engineer of the Public Works Department is empowered to take land for the purposes of main roads, which land, however, shall not exceed one hundred feet in width. He may also enter upon any land where there may be suitable materials for road construction. Compensation is provided for in cases where actual loss occurs to the owner thereby, as well as for any damage sustained in connection with the camping of road parties. For the purpose of adjudicating in cases of dispute with by-roads, Road Boards may be formed, under Act No. 35, 1901, which deals fully with the constitution of such Boards, their jurisdiction and powers. This Act also deals with unauthorised interferences with by-roads, and also with the erection of gates and their use.

The fencing of public roads, and the provision of gates thereon, is dealt with by Act No. 9 of 1902.

Two Laws are in existence for the regulation of traffic on public roads—Law No. 13 of 1865 and Law No. 33 of 1874. The former deals more with the direction of traffic, that is to say, with a view to providing for the safety of persons using such roads; whilst the latter provides for the closing of old roads and the opening of new ones.

The principal outspan law is Law No. 9 of 1870. This law empowers the Governor, upon petition from the owner of a farm, to set aside a piece of land on such farm for outspan purposes, whereupon the remainder of the farm becomes freed from general servitude of outspan. Until such steps are taken to provide for a public outspan, no owner or occupier of a farm subject to right of outspan can prevent any person from outspanning on any part of that farm, so long as he does not camp within 300 yards of the homestead, and making use of any uncultivated land on the farm for grazing his animals. All Crown lands are subject to the servitude of outspan, as are also Native reserves, under certain conditions (see Section 18).

Under Act No. 15, 1896, the Government may, if deemed necessary, lay out an outspan on any farm, at an annual rental, until such time as the owner of the farm may lay off an outspan in terms of Law No. 9 of 1870. Such outspans as the Government may lay off are to be fenced by and at the expense of the Government.

I.—ROADS AND ROAD BOARDS.

LAW NO. 19, 1875.

“To Provide for the Construction and Maintenance of the Main Roads of the Colony.”

1.—[Power given to the Civil Engineer (*i.e.*, Chief Engineer, P.W.D.) to enter upon Crown lands, and take materials for public works.]

3.—*Width of Main Roads.—Materials.*—No land to be taken for the purposes of any Main Road shall exceed one hundred feet in width, and except as hereinafter mentioned all material (wood or timber excepted) raised and carried away to be employed in the construction and repair of any Main Road, or of any Bridge, Culvert, Drain, Watercourse, or other work connected with or forming part of the said road, shall be employed and used only in the construction and repair of so much of the road, or of any of the aforesaid works, as lie and are situated within the boundaries of the original grant from which the material has been raised:

(*Proviso re Compensation*): Provided that no land be taken or materials be raised or carried away as aforesaid upon which any building may actually be thereon erected without compensation to the proprietor; and that no land be taken or materials raised and carried away without previous notice to the proprietor thereof, by transmitting the same through the Post Office, addressed to said owner's last known place of abode: Provided also that, should the proprietor or occupier object to such materials being raised or taken, such objection shall be referred to the decision of the Resident Magistrate, who, after inspection and investigation, shall make such order thereon as to him may seem fair and just.

4.—*Where Materials are not Obtainable on Land through which the Road runs.*—The said Civil Engineer or the Officer acting as such for the time being, and all persons authorised thereto by him, shall have power and authority, should no serviceable material for constructing or repairing any of the Main Roads be found within the boundaries of the original

grant through which lies that portion of the Main Road to be constructed or repaired, to enter upon any land and wherever found to raise and carry away such materials as hereinbefore provided: Provided always that whenever such materials are carried away from land over which no such rights as aforesaid have been reserved, or from land that the Government may have a legal right to use, but which has been improved by cultivation, irrigation, or otherwise, the said Civil Engineer, or other Officer as aforesaid, shall treat and agree with the proprietor thereof in manner provided by the 5th, 6th, 7th, and 8th Sections of this Law, and in other respects deal with the said proprietor or with the said land as in the said sections provided and set forth.

5.—*In what cases an Agreement for Purchase or Hire must be made.*—If the aforesaid Civil Engineer or the Officer acting in that capacity for the time being, should require to take or use any land for the purpose of a Main Road, or to dig, get, or carry away any materials for constructing and repairing the said road, over which land no such rights as aforesaid have been created or secured, and belonging to any person who may think proper to require compensation from the said Civil Engineer, or if he should require to use any land or to take materials from any land that the Government may have a legal right to use, but which has been improved by cultivation, irrigation, or otherwise, he may treat and agree with every such person for the purchase or hire, as the case may be, of any such land or materials, and may enter into any contract relative to the obtaining of such land or materials, and for compensation for the use of such improved land upon such terms and conditions as he shall judge expedient.

9.—*Punishment for Obstructing Officers or Injuring Public Works, etc.*—If any person shall wilfully prevent or assault, or threaten to assault, or obstruct the said Civil Engineer or any surveyor or contractor in the execution of his duty, or any person or persons employed by proper authority and acting within the powers conferred by this Law, in surveying or measuring or laying out any line intended for a main road, or in entering upon any land for the purposes of this Law, or if any person shall wilfully destroy, pull up, or in any way injure any instruments or implements used in public works, or any road work, bridge, culvert, drain, watercourse, or other work whatsoever, every person so offending shall forfeit and pay for every such offence, upon conviction before the Court of any Resident Magistrate, any sum not exceeding Ten Pounds Sterling, or in default of payment shall suffer imprisonment, with or without hard labour, for any term not exceeding three months.

10.—*Erection of Temporary Dwellings for Road Parties.*—It shall be lawful to erect tents, huts, or other temporary dwellings upon any

land contiguous to any Main Road for the use of the workmen and all other persons employed in and about the construction and maintenance of any Main Road, and to outspan thereon all wagons and carts used in and about the works, and to depasture all horses and cattle upon the land over which the said Main Road may run, and upon the construction and maintenance of which the said cattle and horses may be employed for a reasonable time: Provided always, that the owner of the said land suffer no damage by reason of the grazing upon his lands of the said cattle and horses, without being entitled to demand and obtain reasonable compensation for the same, to be determined by arbitration in the manner as hereinbefore provided: Provided also that any objection of the owner or occupier of the land to the site chosen for the erection of the said huts, tents, or other temporary dwellings, shall be referred to the Resident Magistrate of the County or Division, who shall make such order thereon as he may deem fair and just.*

[Dated 17th Sept., 1875.]

LAW No. 9, 1870.

*“For regulating places of outspan and the rights of travellers with respect to roads and outspan places.”***

15. All the public roads shall be deemed, and are hereby declared, to be 100 feet wide; and if unfenced, loose cattle and horses being driven along any public road may travel on either side of such road to a distance of at least 100 feet without being liable for trespass or for injury done to crops within that distance: Provided the provisions of this clause shall not apply to any road which has been laid out upon the authority of the Surveyor-General or Civil Engineer for the Colony, if of a less width than 100 feet along that portion of the land which shall have been fenced previous to the passing of this Law.

*See Law No. 9, 1870 (Part IV. of the present Chapter), Section 12 of which reads:—“Government parties, when employed in the construction or repair of public roads running through any private lands, shall have the right to outspan on any to them convenient spot on or near the road, not being within three hundred yards of any dwelling house, and to graze their cattle on all adjoining grass lands if unenclosed.”

**The full text of this Law will be found in Part IV. of the present chapter—“Outspans.”

ACT No. 35, 1901.

“To repeal and re-enact with amendments the Road Board Law, 1888.”
Short Title: “The Road Boards Act, 1901.”

[NOTE.—This Act is divided into three Parts, dealing respectively with the constitution of Road Boards, the jurisdiction and powers of Boards, and “miscellaneous provisions.” Much that is contained in those several parts is not of sufficient general interest to warrant reproduction here in full, and consequently only those sections that are deemed of general interest are given here. For the rest a summary will, it is thought, suffice.*]

Part I.—Constitution of Road Boards.

SUMMARY OF SECTIONS 3—16.—Each Magisterial Division may have a Road Board of its own, consisting of six members, including the Magistrate as chairman, and with the Clerk of the Court as clerk to the Board. Elections of members are held every third year. The date of the election is fixed by the Magistrate, but must not be later than the 14th December. No person can vote or stand for election unless his name appears on the Voters’ Roll and unless he owns landed property other than town lands or town or village property. If less than the required number of members is elected, the Governor may appoint the remaining number necessary. Expenses incurred in connection with elections are paid out of the general revenue of the Colony.

Part II.—Jurisdiction and Powers of Road Boards.

17.—*Meaning of “by-road.”*—The expression “by-road” as used in this Act means:—

- (a) A road or right-of-way, whether public or private, which has been established, or the right of which has been created, by prescription or by deed, or in any other valid manner.
- (b) A way of necessity, including a reasonably necessary means of access to a public road or a railway station, stopping place, or siding.
- (c) Foot or bridle path.

From the above definition there shall be excluded all roads maintained by Government, and also any road or right-of-way or way of necessity, in so far as it lies within the limits of any borough or township, or of the commonage or other public lands attached to a village.

*No responsibility, however, is assumed by the compiler for the accuracy or comprehensiveness of these summaries, they being given merely with a view to indicating the general trend of the law on the matters in which they deal.—H.J.C.

18.—*Exclusion of Road taken over by Government.*—When any road is taken over and maintained by the Government, the Minister of Lands and Works shall publish a notice thereof in the *Government Gazette*, and such road shall thereupon be excluded from the operation of this Act unless and until the Minister shall by a like notice declare that the road has ceased to be maintained by the Government.

19.—*Alteration of by-road.*—A Road Board shall have power to hear and decide all cases of dispute or question referring to the opening of by-roads or the keeping open of existing by-roads, the closing of such by-roads as may be no longer needed, and the making of alterations in by-roads.

When the opening of a by-road as a way of necessity is ordered, the Road Board may award to the persons through whose land the by-road passes such compensation as may be fair and reasonable.

20.—*Gates on By-Roads.*—A Board shall also have power to hear and decide any disputes with reference to the erection of gates upon by-roads, and the character and construction of such gates, subject always to the provisions hereinafter contained, and to adjudge any of the parties to the dispute who may be benefited by such gates to contribute a reasonable share of the cost and upkeep thereof.

21.—*Fences along Roads; Maintenance of By-Roads.*—The Road Board shall also have power to permit or order a by-road to be fenced on either or both sides, and to determine the character and construction of such fence, and, when a fence is ordered to be erected, to determine by whom of the parties and in what proportion the cost of erection and upkeep shall be borne.

22.—*Recovery of Compensation for other Payment.*—The Board may also determine, as between the parties to a dispute, by whom and in what proportion the cost of payment ordered to be made by the Road Board may be recovered by the issue of a writ, as in the case of a judgment of the Magistrates' Courts.

23.—*Direction and Width of By-Road.*—A Road Board may also define and determine the direction and width of any by-road already existing or hereafter to be opened up or altered under the provisions of this Act: Provided that no by-road shall exceed 30 feet in width: And provided further that no increase shall be made in the width of any such by-road passing through or between any gardens, cultivated land, or orchards, or between buildings or homesteads.

24.—*Powers of Magistrate pending hearing by Board.*—Pending the hearing of any question by the Road Board the Magistrate shall have power, on the application of any person interested, and if it shall appear to him necessary, to summarily order the opening of any by-road which

may have been stopped, or in which any deviation has been made, or which has been otherwise obstructed, any person closing up or obstructing such by-road or otherwise acting in disregard of the order shall be guilty of contempt of Court.

[SUMMARY OF SECTIONS 25—32.—Meetings of the Board may be convened upon application in writing of parties aggrieved, such application to be accompanied by deposit of such sum as the Magistrate may require, from £15 to £25. The time and place for such meeting shall be duly published. Witnesses may be subpoena'd in the usual way. The Magistrate shall be chairman, and four members exclusive of the Magistrate shall form a quorum. Evidence by witnesses must be given upon oath. The Board may impose any fine up to £10 on any witness disobeying subpoena.]

33.—*Personal Inspection of Roads.*—The Board may, if they deem it necessary, make a personal inspection of the road or roads in dispute, or may depute a Committee of their own body, not less than two in number, to visit the spot and report to the Board the result of their enquiries.

35.—[Disqualification of member for interest in case before Board.]

39.—*Agreement to make the Board's Decision Final.*—It shall be lawful for the parties to any dispute before a Road Board, if all the parties shall so agree, to enter together into a written agreement that the decisions of the Road Board shall be final and conclusive in all respects, both as to the subject matter of the dispute and as to costs; and whenever an agreement shall have been so made the decision of the Road Board shall be final, and shall bind all the parties, and there shall not, so far as it affects any of the parties to such agreement, be any appeal from such decision to any Court.

40.—*Notification of Decision.*—As soon as may be after the decision of the Board has been given, the Magistrate shall notify twice in the *Government Gazette*, and in each of two newspapers circulating in the district, that the proceedings and decision are open to inspection at his office, and that unless appealed from within one month from the date thereof (which date shall be specified in the notice), the decision of the Board shall become final.

41.—*Appeal to Supreme Court.*—It shall be competent for any person affected by the decision of a Road Board to appeal to the Full Bench of the Supreme Court: Provided that if the person desirous of appealing shall not have been one of the parties to the proceedings of the Road Board, he shall before taking out the writ of appeal be required to deposit the sum of Fifteen Pounds Sterling, with the Clerk of the Road Board, as security for the costs of appeal.

45.—*Powers of Supreme Court in Appeal.*—The Court may revise the proceedings, and may confirm, reverse, alter or correct the decision, or may remit the case for further enquiry or hearing, and may give any necessary instruction for the guidance of the Board, or make such order thereon as shall seem proper: Provided that no order or decision of the Road Board shall be liable to be reversed upon a question of fact or by reason of any irregularity or defect in the record of proceedings, unless it shall appear to the Supreme Court that a failure of substantial justice has, in fact, resulted therefrom, or that any person, not being a party to the case, may be prejudiced thereby.

46.—*Judgment of Supreme Court Conclusive.*—The judgment of the Supreme Court shall be conclusive and binding upon the Board and the parties.

50.—*Laying off Roads.*—When the decision of the Board has become final as aforesaid, the Board, or the Magistrate on their behalf, may employ a Government Surveyor to lay off by survey any road or roads authorised or defined by the decision or judgment on the plan or diagrams of the land in the Surveyor-General's Office, and such surveyor shall certify that the road or roads have been laid off in accordance with the decision of the Board.

51.—*No Costs as between Parties save in certain cases.*—No costs shall be awarded by the Board as between the parties unless the Board shall be of opinion that the application or the defence was frivolous or vexatious.

Subject as aforesaid the Board may decide as to the cost of the enquiry, the record of the same, the expenses of advertising and of the survey, advocates' and attorneys' charges, and all other costs incidental to the cause, and by which of the disputants they shall be paid.

Part III.—Miscellaneous Provisions.

52.—*Stopping Existing Roads.*—No person shall close, break up, whether by ploughing or otherwise, or in any way injure an existing by-road, unless he shall for at least a month before doing so, erect at either end of the by-road or right-of-way intended to be closed, a notice board intimating his intention to close the same, and unless he shall also obtain the permission of the District Inspector or other Officer of the Department of Public Works being in charge of the roads in the district.

53.—*Penalty for Closing By-road.*—Any person who shall close a by-road in contravention of the preceding section shall be liable to a fine not exceeding Twenty Pounds Sterling.

54.—*Saving of Authority of Road Board.*—Nothing in this Act shall

be deemed to affect the jurisdiction of any Road Board to order the closing of a road, or to authorise any person to close a road which has been opened by order of the Road Board.

55.—*Gates on By-roads.*—Whenever the proprietor (which expression shall include a tenant or occupier) of any land over which a by-road shall pass shall be desirous of fencing such land, he shall be at liberty to do so, if he provides swing gates in such fencing so as to allow persons entitled to use such by-road free access thereto; and such gates shall at all times be kept in proper repair by the proprietor. Such gates shall be folding gates, and be swung, and have proper fastenings, and shall be of such width and construction as the Road Board shall determine.

Any gates erected before the passing of this Act, if coming within the definition of this Act, shall be considered as erected under this Act.

56.—*Division of Cost of Gates in Dividing Fence.*—When a dividing fence crosses a by-road or right-of-way, it shall be competent for any one of the proprietors of land on either side of such dividing fence to erect swing gates in terms of this Act, and to recover from the adjoining proprietor one-half the cost of such erection, without prejudice to the liability of any other person who may be ordered by the Board to contribute towards the expense of the erection and up-keep of such gate.

57.—*Gates to be Closed.*—Every person, not being the sole proprietor, or having his authority, who shall pass through any gate provided in pursuance of this Act, shall, immediately after so passing through the same, with or without any vehicle or animals in his care, close and fasten such gate, or cause the same to be closed and fastened, under pain of a fine not exceeding Five Pounds.

58.—*Penalty for Wrongfully Opening Gates.*—Any person, not being the sole proprietor, or having his authority, who shall open or unfasten any gate erected or provided in pursuance of the provisions of this Act, except for the purpose of then and there passing through the same with or without any vehicle or animals in his care, or of enabling some other person or persons so to pass, shall be liable to a fine not exceeding Ten Pounds, or in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding two months.

59.—*Actions for Damage through leaving Gates Open.*—Nothing in this Act contained shall prevent any person who deems that he has sustained loss or damage by or in consequence of the leaving open of any gate erected in accordance with the provisions of this Act from bringing an action for the recovery of such loss or damage.

60.—*Regulations.*—The Governor in Council may from time to time

make regulations for the purposes of this Act, and may by any such regulations appoint penalties for the contravention thereof not exceeding Ten Pounds Sterling.

[Dated 26th Aug., 1901.]

II.—REGULATION OF TRAFFIC.

LAW No. 33, 1874.

“To empower the Lieutenant-Governor to declare and define the Main Roads within the Colony; and to regulate the Traffic upon such Roads.”

Short Title.—“The Traffic Regulation Law, 1874.”

2.—*Main Road.*—The term “main road” means all trunk or other roads constructed or maintained by Government.

3.—*(Main roads to be defined by Proclamation.)*

4.—*Traffic may be stopped on main road when another and sufficient one has been opened.*—The Governor may stop the traffic along any main road or part thereof, when a sufficient road has been opened by which traffic can reach its destination as it would have done had the main road been open. Notice will be printed in the *Government Gazette* and posted in a conspicuous place at each end of the road indicated.

5.—(Traffic may be regulated upon roads when there are two from one point to another.)

6.—(Seven days’ notice must be given in the local newspapers of the stoppage or regulation of traffic as in two last preceding sections, and a notice must be posted at each end of the road in question.)

7.—*Vehicles not to use the Road, except as indicated.*—When and as often as the traffic on any main road shall have been declared as aforesaid to be regulated or stopped, no wagon or other vehicle drawn by any animal shall be allowed to pass or be driven over or along the road, or any portion thereof, over which the traffic has been declared to be regulated or stopped, otherwise than as by proclamation or notice is set forth, and all vehicles passing over or along such road may be stopped by any person authorised thereto by the Civil Engineer of the Colony; and any person driving, or in any way assisting in driving, any wagon or other vehicle along or over such road as aforesaid, shall on conviction forfeit and pay a penalty not exceeding Five Pounds for every such offence, and in default of payment suffer imprisonment for any period not exceeding one month.

LAW No. 13, 1865.

"To regulate the Employment of Wagons and other Vehicles on the Public Roads and Streets within the Colony of Natal."

1.—*Owner's Name to be Painted on Wagons.*—The owner of every wagon, cart or other vehicle used on any public road or street, shall affix or paint, or cause to be affixed or painted, in one or more straight lines, in legible letters, not less than one inch in height, upon some conspicuous part of the wagon, cart, or other vehicle, together with a number on each wagon, cart, or other vehicle, his surname, with his Christian names or the initials thereof, and also his address: Provided that nothing in this clause shall be construed to extend to any wagon, cart, or other vehicle used solely for conveyance of private persons or passengers.*

2.—*Furious or Careless Driving Punishable.*—Any driver, leader, or other person who shall drive any wagon, cart, or other vehicle, or shall ride or drive any horse or animal so carelessly, recklessly, furiously, or negligently as to cause hurt or damage to any person, or any wagon, cart, or other vehicle, or to any goods conveyed in any other wagon, cart, or other vehicle, or so as to endanger the safety of any person, animal, wagon, cart, or other vehicle shall, upon conviction, forfeit a sum of money not exceeding £5 (Five Pounds).

3.—*Rules for Vehicles, etc., passing each other.*—All drivers, leaders of wagons, etc., and horsemen shall keep on the left or near side of the road when meeting or being followed by wagons, horsemen, etc., etc., and no driver or leader of wagon, or person driving cattle, shall unnecessarily prevent the passage of any other cart, wagon, etc.

4.—*No Person to crack whips while horses, etc., are passing.*—No person shall crack any whip in any street or borough or town, or on any road, while any vehicle drawn by horses or mules, or any person riding, is passing, near or close to such person having a whip.

5.—*Wagons, etc., to have Brake and Chain.*—Wagons to have brake and chain, and every cart and vehicle (except private conveyances) to have brake and chain sufficient for purposes.

6.—*Size of Brakes.*—No wagon, cart, or other vehicle used on roads, or on any street, shall have brakes extending further on either side than six inches beyond the wheels thereof; and no wagon, cart, or other vehicle used as aforesaid, shall apply or use on any road or street any wooden drags commonly called Rem Schoens.

*As amended by Act No. 11, 1906.

7.—*Ox wagons to stop till wagons drawn by horses pass.*—Wagons and carts drawn by more than two oxen and not having voorlooper leading shall, when meeting any vehicle drawn by horses, be compelled to stop until such other vehicle shall have passed.

8.—*Wagon-drivers breaking open boxes, etc., punishable with imprisonment, etc.*—Any wargon-driver, leader, or any other person employed in or about any wagon, vehicle, etc., who shall unlawfully break open any portmanteau, casket, bag, box, chest, bale, case, jar, or any other packet or parcel, or tap or bore any cask, barrel, or the like, or uncork any bottle or flask which may have been entrusted to himself or any other person, or may be under the charge of the owner thereof, for or in order for conveyance or transport in any wagon, cart, etc., shall be liable to a fine of Five Pounds, or imprisonment for three months, with or without hard labour.

9.—[Repealed by Law No. 31, 1874.]

10.—*Acts of Omission and Commission Contraventions.*—Every breach of this Law, or any part thereof, and the omission to do any act, matter, or thing required to be done, and not so done under and in strict accordance with the provisions hereof, shall be deemed and taken to be contravention of this Law.

12.—(Governor may make bye-laws respecting traffic on bridges. Bye-laws to be published in *Government Gazette* and also displayed on notice boards to both sides of bridge in question.)

13.—*Rules for Passing Dangerous Places.*—Should any vehicles be passing along any steep hill, cutting, or dangerous place, the vehicle coming down shall be obliged to stop at the most convenient place on either side of the road, and allow sufficient space for the vehicle going up hill to pass; but should the driver of a horse or mule conveyance wish to pass a vehicle drawn by oxen going in the same direction, he may do so, after having called upon the driver of the last-mentioned vehicle to stop.

14.—*Natives Carrying Wood, etc., to Leave the Road.*—Natives passing along the roads carrying wood, or being dressed in their dancing or war costumes, whenever any person on horseback or with a wagon, etc., approaches them shall leave the road, and shall not by any shouts or actions frighten the animals being driven or ridden.

16.—*Penalties.*—For any contravention of this Law for which no special fine or other punishment is provided, the party, for every such contravention, shall forfeit Ten Pounds Sterling, or in default be committed to gaol for any period not exceeding three months.

III.—FENCING OF PUBLIC ROADS.

ACT No. 9, 1902.

"To regulate the Fencing of Public Roads."

1.—*Repeal.*—Section 44 of the Fencing Law, 1887, is hereby repealed.

2.—*Interpretation.*—In this Act the expression "Public Road" means a public road maintained by Government, but not being a main trunk road proclaimed to be such, as hereinafter provided. The word "proprietor" includes a tenant or occupier.

3.—*Erection of Gates over Public Roads.*—It shall be lawful for the proprietor of any land over which a public road passes to erect gates over such road subject to the provisions of this Act, but not otherwise.

4.—*Notice of intention to erect Gates.*—A proprietor wishing to erect gates over a public road shall give a month's notice in writing to the Chief Engineer, Public Works Department (who is hereinafter referred to as the Chief Engineer), and shall publish a notice of his intentions at least twice in a newspaper published in the Colony, the first publication being not later than one week after the notice to the Chief Engineer. Such notice shall as closely as may be follow the form of the schedule of this Act, and shall contain as precise a description as possible of the site of the intended gates.

5.—*Notice of Objections.*—Any person having objections to the erection of the proposed gates shall notify the same in writing to the Chief Engineer and the proprietor of the land on which it is proposed to erect such gates.

6.—*Enquiry by Chief Engineer.*—The Chief Engineer shall make any enquiries he may think necessary, and shall take into consideration any objection lodged with him, and if he thinks any objections important he shall allow the applicant an opportunity of answering them, and if he shall think fit he may call the parties before him at such place as he may appoint.

7.—*Decision by Chief Engineer.*—The Chief Engineer shall give his decision on any application in writing, and shall state the grounds thereof, and the decision shall be notified to the parties.

8.—*Refusal of Permission.*—Permission to erect gates shall be refused unless in the opinion of the Chief Engineer their position or other circumstances will not render them dangerous or otherwise detrimental to the public interests.

9.—*Appeal to Minister.*—If any person interested is aggrieved by the decision he may appeal to the Minister in charge of the Department of Roads, whose decision shall be final.

10.—*Gates not to be Erected without Permission.*—No gates shall be erected upon a public road unless and until the application therefor shall have been granted.

11.—*Joint Application.*—In the case of a road which divides the lands of different proprietors, such proprietors may combine in an application for leave to erect gates.

12.—*Character and Construction of Gates: Upkeep.*—Gates erected under this Act shall be swing gates sufficient to allow the reasonable free use of the road, having regard to the traffic thereon; such gates shall have a balance catch or other free fastener, and shall be of such width and construction as the Chief Engineer shall determine. They shall at all times be kept in good order by the proprietor at his own expense.

13.—*Liability of Proprietors.*—The proprietor shall be liable for any accident, loss, or injury arising from the negligent or wrongful use by him or his agents or servants of any gates erected over a public road, or from the gates or any accessory thereof being in bad repair, or defective in construction or condition.

No liability shall attach to the Colonial Government or to the public revenue by reason of any accident, loss, or injury arising from any of the aforesaid causes.

14.—*Compulsory Repair or Alteration.*—If the proprietor fails to keep any gate and its approaches in good condition, both as to construction and repair, it shall be lawful for the Chief Engineer, or any officer deputed by him for that purpose, after one week's notice to the proprietor, or earlier if there be pressing cause, to make or cause to be made any necessary repairs or alterations, and he may recover the cost thereof from the proprietor in the Magistrate's Court.

In the event of any repeated or combined misuse or neglect or defect in connection with such gates the said officer may, upon notice to the proprietor, apply to the Magistrate for an order for the removal of the gates without compensation or for any other order which may appear proper.

15.—*Exclusion of Main Trunk Roads.*—No gates shall be erected upon any main trunk road.

16.—*Creation and Disrating of Main Trunk Roads.*—The Governor in Council may from time to time, by Proclamation, declare any road to be a main trunk road or may similarly declare that any main trunk road shall cease to be such from a date specified in the Proclamation.

17.—*Removal of Gates on Proclamation of Main Trunk Road.*—Whenever a road upon which gates are erected is proclaimed as a main trunk road, the proprietor shall remove the same within one month after

receiving notice from the Chief Engineer to do so, or within such further time as the Chief Engineer may in writing allow.

18.—*Removal of any Gate by order of Chief Engineer.*—The Chief Engineer shall be entitled at any time to order the removal of any gates which may be erected under this Act, or which may have been erected before the passing of this Act, over a public road, and within one month after receiving notice to that effect the proprietor shall remove the gates specified in the notice.

19.—*Gates Erected before Proclamation of Public Road.*—Whenever any by-road, on which gates shall have been erected, shall be proclaimed as a public road, the Chief Engineer may allow such gates to remain, provided they in all respects comply with the requirements of this Act, and in such cases all the provisions of this Act shall apply to such gates.

20.—*Closing and Fastening Gates.*—Every person not being the sole proprietor or having his authority, who shall pass through any gate provided in pursuance of this Act, or to which this Act shall apply, shall immediately after passing through the same with or without any vehicle or animals in his care, close and fasten such gate, or cause the same to be closed and fastened under pain of a fine not exceeding £5, or in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding one month.

21.—*Offence of Unlawfully Opening Gates.*—Any person not being the sole proprietor, or having his authority, who shall open or unfasten any gate provided in pursuance of this Act, or to which this Act shall apply, except for the purpose of then and there passing through the same with or without any vehicle or animals in his care, or at the request of some person or persons then and there desiring so to pass, shall be liable to a fine not exceeding £10, or in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding two months.

22.—*Jurisdiction.*—All contraventions under this Act shall be cognisable in the Magistrates' Courts.

23.—*Saving of Claims for Damages.*—Nothing in this Act contained shall prevent any person who deems that he has sustained loss or damage by or in consequence of the leaving open of any gate erected in accordance with the provisions of this Act from bringing an action for the recovery of such loss or damage.

SCHEDULE.

Notice is hereby given, that it is my intention to erect gates upon the farm, across the public road from to, at the following point (*here describe as accurately as possible the site of the intended gates*).

Notice of any objections must be given in writing to the Chief Engineer, Public Works Department, Pietermaritzburg, and to me, on or before the (*here specify the date of the expiry of the notice to the Chief Engineer*).

(Name)

Address

IV.—OUTSPANS.

LAW No. 9, 1870.

“For Regulating Places of Outspan, and the Rights of Travellers with respect to Roads and Outspan Places.”

1.—*Application for Outspan Place.*—It shall be competent for the owner of any farm or piece of land, subject to the right of outspan, to apply by memorial to the Lieutenant-Governor, praying that a particular portion of such farm or piece of land may be set apart for the purpose of outspanning, and for no other purpose whatsoever: Provided, nevertheless, that nothing in this law contained shall prevent the owner or occupier of such farm or piece of land from using for grazing purposes such portion when so set apart as an outspan place in such manner as **not** to injure or prejudice the using of such outspan places by travellers for the purposes of outspan.

2.—*Inspection of Locality Indicated.*—Upon receipt of any memorial or application for the setting apart of an outspan place, as provided for in the above clause, the Lieutenant-Governor shall cause the locality therein referred to to be inspected by the Field Cornet of the ward in which the land is situated, or by the Resident Magistrate of the county, or some other competent person, who shall thereupon recommend the specific situation and extent of the portion to be set apart as aforesaid for the purposes of outspanning, and who shall duly report the result of his inspection for the Lieutenant-Governor's information and decision: Provided that the proportion of not less than four acres, and not exceeding five, to every one hundred acres of the farm, shall be set apart for such outspan place, except as otherwise provided in Clauses 7 and 9 of this Law.

3.—[Upon receipt of such report, Governor to cause notice to be published in *Gazette* inviting objections. At expiry of notice, the Magistrate to forward any objections, and his report thereto, to Colonial Secretary.]

4.—[Governor may then, after enquiry, require the owner to have an outspan place surveyed, and, after survey, may establish the same by proclamation in *Gazette*.]

5.—*Defining and Registering Outspan.*—After the issue of any proclamation establishing an outspan place, the extent of such place of outspan, and its figure and situation relatively to the other boundaries of the said farm or piece of land, shall be carefully certified in the office of the Surveyor-General in the usual manner, and shall be represented by a diagram or plan in the said office, free of any office fee or charges, and it shall then be incumbent upon the owner or owners of such farm or piece of land to fix the boundaries of such outspan place by proper beacons, which shall be at least three feet in height, and shall in the upper foot thereof be conspicuously painted or plastered with some permanent colour, and distinguished by letters A, B, C, etc. And, further, it shall be incumbent upon the said owner or owners to erect upon the place of outspan, as above determined, in conspicuous situation facing the road, a post, at least nine feet in height, with a board at the top containing an inscription in letters at least one inch in length and clearly legible at ten yards' distance, setting forth as follows:—"Public Outspan, acres, beacons A, B, C, etc." And, further, it shall at all times be incumbent upon the said owner of such farm or piece of land (or, in the event of the same being held in sub-divisions, upon the owners of sub-divisions thereof adjoining the outspan place) to maintain such post and plate and beacons in thorough repair, and inscriptions thereon in a legible condition, failing which the said owner or owners shall not have any claim in respect of any trespass committed on any grass land by any cattle* belonging to any person outspanning on such farm or piece of land.

6.—*Subject to foregoing conditions any Farm may be freed from General Servitude of Outspan.*—It shall be lawful for the owner or occupier of any farm or piece of land as aforesaid, upon the fulfilment of the conditions in the preceding section of this Law, and during the continuance of the fulfilment thereof, but not otherwise, to prevent any person or persons from outspanning on any other portion of his farm or piece of land which, subject to the provisions of this Law, will be freed from the servitude with regard to right of outspan contained in the title deed thereof.

7.—*Special Provision re Victoria, Durban, and Alexandra Counties.*—In the event of its being represented to, and considered by, the Lieutenant-Governor, that in the Counties of Victoria, Durban, and Alexandra, the proportion of five acres per centum, for outspan purpose, is excessive, the Lieutenant-Governor may, with the advice of the Executive Council, determine some lesser proportion for that purpose, with respect to any such County: Provided, however, that a number of land-owners, not less than twenty-five, resident in such County, shall have

*See definition of "Cattle" in Sec. 19 of this Law.

memorialised the Lieutenant-Governor to that effect; and the Lieutenant-Governor may, if he shall think fit, in any case before deciding upon any such memorial, direct that enquiry be made upon the subject thereof.

8.—*Outspans on Farms that have been Sub-divided and Transferred.*

—In every case where a farm or piece of land shall be, or shall have been, sub-divided and transferred, without fixing or determining an outspan place on the same, as provided by this Law, and where the owners of the several sub-divisions shall agree to set apart one or more particular portion or portions of such farm for an outspan place or places, and shall apply to the Lieutenant-Governor for that purpose, it shall be lawful for the Lieutenant-Governor to cause a portion or portions of such farm, in the proportion as set forth in Clauses 2, 7, and 9, as the case may be, to be selected for outspan, including, if practicable, portions of two or more of such divided pieces of land, subject in every respect to the provisions of the preceding clauses of this Law.

9.—[In certain cases the Governor may authorise a diminution of the area required for outspan places.]

10.—[Repealed by Law No. 14, 1872.]

11.—*Effect of the General Servitude of Outspan where Outspan Place is not Established and Maintained.*—It shall not be competent or lawful for any person, the owner or occupier of any farm or piece of land subject to right of outspan, to prevent any person or persons from outspanning on or near the public road on any part of such farm or piece of land, not being within three hundred yards of any homestead, and making use of any uncultivated portion thereof for the purpose of grazing, until a place of outspan is set apart and definitively maintained in the manner provided in this Law.

12.—*Irregular Notice Boards.*—Any person, the owner or occupier of any farm or piece of land subject to right of outspan, who shall erect any post or board with the view to define or determine a place of outspan on such farm or piece of land as aforesaid, except on the lands as provided in this Law, and any person putting up a post or board with a view to prohibit persons from outspanning on land liable to such servitude shall be liable, on conviction, to a fine not exceeding £5, or, in default of payment, to imprisonment for any period not exceeding one month; and any person or persons who shall remove or damage any post, plate, or beacons lawfully erected as provided in this Law, shall, on conviction before any Resident Magistrate, be adjudged to pay a fine not exceeding £10, or, in default of payment, shall be imprisoned, with or without hard labour, for a period not exceeding two months.

13.—*Government Parties and Outspan.*—Government parties, when employed in the construction or repair of public roads running through

any private lands, shall have the right to outspan on any to them convenient spot on or near the road, not being within three hundred yards of any dwelling house, and to graze their cattle on all adjoining grass lands if unenclosed.*

14.—*Outspan places “public land” under Grass Burning Law.*—Every outspan place set apart under the provisions of this Law shall, for the purpose of the second and sixth sections of Law No. 21, 1865, entitled Law “To prevent the indiscriminate burning of grass,” be considered as public land; and the owner or owners of the farm or piece of land on which such outspan place was established shall, in the event of his or their wilfully or negligently burning grass on such outspan place, be amenable to the provisions of the said Second and Sixth Sections of the Law of 21, 1865, aforesaid.

15.—*Width of Public Roads if not Fenced.*—All the public roads shall be deemed, and are hereby declared, to be 100 feet wide; and, if unfenced, loose cattle and horses being driven along any public road may travel on either side of such road to a distance of at least 100 feet without being liable for trespass or for injury done to crops within that distance; provided the provisions of this clause shall not apply to any road which has been laid out upon the authority of the Surveyor-General or Civil Engineer for the Colony, if of a less width than 100 feet along that portion of the land which shall have been fenced previous to the passing of this Law.

16.—*Crown Lands subject to Servitude of Outspan.*—All lands in the possession of the Crown in this Colony shall be, and the same are, hereby declared to be subject to the servitude of outspan, upon such regulations and conditions as the Lieutenant-Governor, with the advice of the Executive Council, may with respect to the servitude of outspan generally from time to time establish and proclaim in the *Government Gazette*.

17.—*Reservation, in certain cases, of Servitude of Outspan in respect of Alienated Crown Lands.*—In all future disposals of Crown lands by sale, rental, grant, or otherwise, being not less in extent than five hundred acres, the servitude of outspan shall be reserved in the instrument of conveyance or demise.

18.—*Native Reserves.*—All lands set apart or granted as Native Reserves or Locations shall be and the same are hereby declared to be liable to the servitude of outspan, anything in the title deeds thereof to the contrary notwithstanding: Provided always that the right of outspan upon such Native Reserves or Locations shall be regulated, controlled, and governed by such rules as the Lieutenant-Governor, with the advice

* See also Sec. 18 of Law No. 19, 1875, in regard to the erection of temporary dwellings for road parties.

of his Executive Council, may from time to time frame and establish, in accordance with the provisions of this Law, for the regulation of the general servitude of outspan.

19.—*Definition of Terms.*—The term *outspan* shall be understood to include the grazing and watering for a period not exceeding twenty-four hours, except in case of accident or other unavoidable circumstance, of all animals used or driven by persons when travelling, and the term *cattle* shall include all animals so used or driven.

[Dated 14th Sept., 1870.]

ACT No. 15, 1896.

“To provide for the Acquisition of Lands for Outspan Places.”

1.—*Power to take Lands for an Annual Rent.*—The Government of this Colony, by the Minister of Lands and Works for the time being, may enter upon and take for an annual rent charge such lands as may be required throughout the Colony for outspan purposes, and for such time as may be necessary.

2.—*Exemption.*—No land shall be so taken under this Act from any farm or piece of land upon which a public outspan has been already established.

3.—*Reversion of Land.*—Any land taken under this Act shall revert to the owner freed from the operation of this Act, in case he shall lay off an outspan in terms of Laws No. 9 of 1870, and No. 14 of 1872.

4.—*Expenses.*—Such annual rents and the expenses of survey and all other expenses incurred in carrying out the provisions of this Act shall be paid out of the public revenue of the Colony.

5.—*Incorporation of Lands Clauses Law.*—The “Lands Clauses Consolidation Law, 1872,” is, except as varied by this Act, incorporated with this Act and the taking of land for an outspan place under the provisions of this Act shall be deemed to be an undertaking within the meaning of the said Law.

6.—*Settlement of Disputes.*—All questions and disputes as to any rent charge under this Act shall be settled in like manner as questions and disputes relating to purchase money or compensation under the “Lands Clauses Consolidation Law, 1872.”

7.—*Fencing of Land Taken.*—Any land taken for an outspan place under this Act may be fenced by and at the expense of the Government.

8.—*Outspan Laws and Outspans, how far Affected.*—Nothing in this Act contained shall interfere with the provisions of Laws No. 9, 1870, and

No. 14, 1872, or with any outspan places established thereunder, except that the taking and user of lands under this Act shall for the time being exempt the remainder of the farm from the servitude of the outspan.

[Dated 12th June, 1896.]

REFERENCES IN OTHER LAWS.

As regards the offence of taking any animal infected with glanders on public roads, outspans, etc., see Section 8 of Act No. 27, 1898 (Ch. I., vi.).

Section 44 of Law No. 30, 1887, provides that "no person shall be allowed to erect any fence over any public or main road: Provided, however, that nothing herein contained shall prevent any owner or occupier from availing himself of the powers of fencing in manner and form as provided for in Clause 17 of Law No. 17, 1883*" (Ch. VII., i.).

*Repealed by Law 36, 1888 (which in its turn was repealed by Act 35, 1902).

Chapter VII.

FENCING, TRESPASS, AND SQUATTING.

[LAWS. — *Fencing* : Law 30, 1887 ; Law 26, 1890 ; Act 52, 1906. *Trespass* : Law 13, 1874 ; Act 6, 1897. *Squatting* : Ordinance 2, 1855 ; Law 41, 1884]

The principal Law dealing with fencing is Law No. 30 of 1887. This Law provides for the erection of dividing fences between adjoining lands, and prescribes the apportionment of cost; it further deals with the maintenance of repairs and with the question of compensation in case of damage done to such fences from various causes. Sections will also be found dealing with the erection of fences by occupiers whose lands abut on Crown Lands or public roads. The matter of fencing of public roads by occupiers of land is further dealt with under Law No. 26 of 1890, which provides for the contribution by Government of one-half the cost of such fences.

Act No. 52 of 1906 empowers the Governor in Council to extend the provisions of these Laws to the Northern Districts and to Zululand.

The matter of trespass is dealt with by Law No. 13 of 1874 and Act No. 6 of 1897. Wilful trespass is defined—and it should be noted that the latter of the two Laws named deems a fence to be sufficient warning to trespassers, so that, as long as there is a fence, a notice board is not actually necessary. Produce found on a trespasser may be seized and retained until such time as the trespasser can prove to the satisfaction of a Magistrate that such produce is his own lawful property, failing which proof he shall be deemed to have stolen the same. Trespassing dogs, not being in charge of some competent person, or not bearing a collar with the name and address of the owner, may be immediately destroyed; and if the dog is found worrying sheep or other animals or pursuing game, such collar is not deemed sufficient to protect the dog from being destroyed. Punishment is provided by Section 5 of the principal Law for damaging notice boards forbidding trespassing.

Unlicensed squatting by Natives is dealt with by Ordinance No. 2 of 1885, and squatting on Crown Lands is specially provided for by Law of 1855, and squatting on Crown Lands is specially provided for by Law Natives can be removed upon an order from the Magistrate.

I.—FENCING LAWS.

LAW No. 30, 1887.

*“To regulate the Erection and Maintenance of Dividing Fences.”**Short Title.*—“The Fencing Law, 1887.”

[SECTIONS 2, 3, 4, 5 and 6 were repealed by Act No. 52, 1906.]

7.—*Definition of Terms.*—In this Law, if not inconsistent with the context, “*To repair*” includes to trim, keep, and maintain any fence or ditch, or part thereof; “*Alienate*” and “*Alienation*,” respectively, include a limited disposal by lease or license, as well as an absolute disposal by sale or otherwise; “*Owner*” includes a registered proprietor, or a lessee for any term, or a trustee holding a property in trust; “*Occupier*” includes any person who is in the actual occupation of or entitled as owner to occupy any land alienated from the Crown, and all persons being selectors of land on deferred payments; “*Dividing Fence*” means a fence separating the lands of different occupiers; “*Crown Lands*” includes all lands of whatever description not alienated by the Crown under grant, lease, or by conditional purchase; “*Native Location*” means all lands conveyed to or vested in any Corporation or person or persons in public trust for Natives; “*Notice*” means a notice in writing or in print, or partly in writing and partly in print, and may be served upon any person either personally or by leaving the same with some adult inmate at his usual residence or place of business, or if such person or occupier shall be absent from the Colony, then by delivering the same to or leaving the same at the residence of his known agent in the same manner. If there shall be no such agent resident in the Colony, or if such first-mentioned person is not known or cannot be found, or any land is unoccupied, then it shall be sufficient to insert such notice at least three times during three months in some newspaper circulating in the district.

8.—*Definition of “Sufficient Fence.”*—It shall be lawful for any owner or occupier of land to erect a fence of any of the kinds mentioned and described in Schedule A of this Law, and any such fence shall be deemed a sufficient fence within the meaning of this Law.

10.—*Construction of Dividing Fences.*—The occupiers of adjoining lands not divided by a sufficient fence shall be liable to join in or contribute to the construction of a dividing fence between such lands in equal proportions, and notwithstanding that such dividing fence shall not extend along the whole boundary line; but no occupier shall be liable to contribute to any fence which is not, as far as practicable, continuous throughout its length.

11.—*Compelling Contributions.*—Any person desiring to compel any other person to contribute to the construction of a dividing fence under the provisions of this Law may serve on such person a notice to fence, which shall be in the form laid down in Schedule B hereto annexed, and shall specify the boundary to be fenced, and shall contain a proposal for fencing the same, and shall specify the kind of fence proposed to be constructed. If any person shall erect any fence without giving notice as aforesaid, the occupier or the owner, as the case may be, of such adjoining land shall not be liable to pay any portion of the value of such fence.

12.—*Objections to Proposed Fence.*—If any person upon whom a notice to fence is served shall object to the kind of fence specified in such notice, and shall desire to erect a sufficient fence of a different kind, he may, if resident in the Colony, within 28 days, and if absent from the Colony, within three months, of receiving such notice, signify such objection and desire in writing to the giver thereof; and thereupon (unless the parties can agree upon the kind of fence which shall be erected) the question of the description of fence which shall be erected and the cost thereof shall be determined by a Resident Magistrate in the manner provided by Section Thirty-four of this Law.

13.—*Occupiers serving each other with Notices to erect different kinds of Fences.*—If the occupiers of adjoining lands shall have served each other with notices to fence, and in such notices the descriptions of the kind of fence which the respective givers thereof desire to be erected shall vary, then (unless the parties can agree upon the kind of fence to be erected) the question of the kind of fence which shall be erected and the cost thereof shall be determined by a Resident Magistrate in the manner provided by the Thirty-fourth Section of this Law.

14.—*Interval after which Fencing may be proceeded with.*—If within four months when the land to be fenced is open land, and within six months when the land is covered with standing bush, after the service of a notice to fence, the giver and receiver thereof do not enter into an agreement as to the nature of the fence to be made and the cost thereof, and the mode and time of making the same, and if the receiver thereof shall not serve on the giver thereof an objection in manner provided by Section 7 of this Law to the kind of fence specified, then the person giving notice to fence may proceed to erect a fence sufficient within the meaning of this Law.

15.—If either party shall neglect or fail for the space of four months to perform his part of any such agreement which may be so made, the other party may thereupon, or at any time within six months thereafter, make a fence of the kind or description so agreed upon, and may

immediately thereupon, or at any time thereafter, recover from the defaulting party one-half of the actual costs of making such fence.

16.—*Apportioning Cost of Dividing Fences.*—The occupier of the adjoining land to whom a notice to fence shall have been given, or when such half cost has not been previously paid, any person who during the continuance of a dividing fence shall go into occupation of such adjoining land, shall be liable for and shall pay to the person who constructed the fence, or his assigns, one-half of the original value of such dividing fence within one month after a demand made upon him for the purpose by due notice.

17.—*Provisions in event of Disagreement.*—If any person shall desire to put up a dividing fence of a description different from any fence mentioned in Schedule A, he shall give the required notice as hereinbefore provided to the parties whom he wishes to join in the making of such fence; and if the said parties shall not within two months of the delivery of the aforesaid notice object in writing to the erection of such fence, then such person first mentioned may proceed to erect such fence accordingly, and such fence shall be deemed to be a sufficient fence under this Law. Such person shall be entitled to recover from the occupiers of the adjoining lands a contribution towards the cost of erecting such fence, not exceeding in amount the maximum price allowed by this Law as the half cost of erecting a sufficient fence hereunder.

18.—*Maximum Price of Half Cost in absence of Agreement.*—The maximum price to be paid in respect of one-half of the actual cost of erecting any sufficient fence shall not exceed six shillings per chain, except in cases of special agreement, exclusive of any extra cost for clearing bush along the line of such fence: Provided always, that no greater sum shall be charged for the erection of any fence than the absolute half of the cost of such fence.*

19.—*Clearing Bush.*—Where any fence is required to be erected on land covered with standing bush, and the required notices as hereinbefore provided have been given, the person erecting such fence shall be entitled to clear the bush for a width not exceeding six feet on each side along the entire length of such fence, and may fell any tree standing in the immediate line of any such fence; and the cost of such clearing shall be added to the cost of the erection of such fence and be apportioned accordingly.

20.—*Incidence of Rivers, etc.*—When a river, creek, natural watercourse, or rocky or impracticable land forms the boundary of contiguous lands, the occupiers of such contiguous lands may agree upon a line of fence on either side of such river, creek, or natural watercourse, and in the event of their not making any such agreement, either party may

*As amended by Law 36, 1887.

apply to the Resident Magistrate of the district, who may appoint one or more persons to inspect the proposed line of fencing, and who shall determine whether any fence is necessary, and decide the line of fence to be erected, and whether any and what compensation in the shape of annual payment shall be paid to either of the parties occupying such contiguous lands in consideration of loss of occupation of land. The occupation of lands on either side of such line of fence shall not be deemed adverse possession, and shall not affect the title to or possession of any such lands save for the purposes of this Law.

21.—*Ditch-and-Bank Fences.*—The occupier of any land may, in making a ditch-and-bank fence dividing his land from the land thereto adjoining, make a ditch in such adjoining land (Crown Lands inclusive) and use the soil taken therefrom towards the making of a bank, or he may make the ditch on his own land, and place the bank on such adjoining land; but no ditch or bank shall be made upon any such adjoining land in any case where a hedge of roses, Mauritius thorn, or other live hedge may have been planted and kept in good thriving condition thereon, so as to disturb or injure such hedge, without the consent of the occupier of such land first obtained. Where a dividing fence is made of posts and rails, or wire, or of stone, the posts or stones of such fence shall, as near as may be, be placed on the boundary line.

22.—*Fences along Roads.*—If the occupier of any land bounded by a road shall have erected a fence on the common boundary of his land and such road, and any other person shall adopt any means by which such fence shall be rendered of beneficial use to himself, and shall avail himself of such fence, such person shall be liable to pay to the person who erected such fence, or to the occupier of the land whereon such fence is erected, interest on half the then value of such fence at the rate of five per centum per annum for so long as he shall continue to avail himself of such fence, and shall also, as long as aforesaid, be further liable for half the cost of the repairs of such fence.

23.—*Roses or Mauritius Thorn not to be Planted along Dividing Fences except by mutual consent of Owners.*—No person shall plant any roses, or any Mauritius thorn, upon or alongside any boundary line or dividing fence without the consent of the occupiers of the adjoining lands; and every person who shall contravene this section shall be liable, for every such offence, to a penalty not exceeding Twenty Pounds, and the occupier of the adjoining land as aforesaid shall be entitled to take up and destroy such roses or Mauritius thorn, and to recover in any Court of competent jurisdiction the cost of such work from the person who shall have so contravened the provisions of this section.

24.—*Provision for Live Fences.*—If the occupier of any land bounded by a road desire to plant a live fence on the common boundary of his

land and such road, and for that purpose to construct a fence upon such road until such live fence shall have grown up, he may at any time, with the consent of the Government, on conditions to be prescribed by it, proceed to construct a fence on such road so that no part of such fence be more than five feet distant from the nearest point on the boundary of his land; and if such occupier forthwith after the construction of such fence proceed to plant a live fence on the boundary of his land and such road, constantly with all proper diligence keeping, maintaining, and protecting from injury such live fence, he may maintain on such road the fence so constructed for such time not exceeding six years, or such longer time as the Government may in writing allow, until such live fence becomes a sufficient fence within the meaning of this Law.

25.—*Repairs of Dividing Fences.*—When any dividing fence or part thereof made or to be made shall be out of repair or become insufficient, the occupiers of land on either side thereof shall be liable to the cost of repairing such fence in equal proportions.

26.—The occupier of any land separated from any adjoining land by a dividing fence may serve a notice upon the occupier of such adjoining land requiring him to assist in repairing such fence or part thereof, and if such occupier shall refuse or neglect for the space of one week after the service of such notice to assist in repairing such fence, such first-mentioned occupier may repair such fence, and demand and recover of and from such other occupier half the cost of repairing the same.

27.—*Accidents to Dividing Fences.*—If any dividing fence or any portion thereof is destroyed by accident, the occupier of land on either side may immediately repair the same without any notice, and shall be entitled to recover half the expenses of so doing from the occupier of the adjoining land.

28. In case any dividing fence is destroyed by fire, or by the falling of any tree or trees, or damaged by any cattle, the occupier through whose neglect (if any) such fire shall have originated or have caused injury to the fence, or such tree or trees shall have fallen, or by whose stock such fence shall have been damaged, shall be the party bound to repair the entire of the fence so damaged as aforesaid.

29. Nothing herein contained shall be deemed to take away or interfere with the right of any person to sue for and recover compensation for or in respect of any damage or injury to any fence occasioned by the reckless or negligent use of fire.

30.—*Interest on Half Cost of Fencing.*—In any case where a person shall elect or be liable to pay interest on the half cost of a dividing fence the person entitled to such interest shall have the same remedy for the recovery thereof as he would have for the recovery of the half-cost of such fence.

31.—*Fences along Crown Lands.*—The owner of land who shall have made, or who shall hereafter make, a fence dividing such land from adjoining unalienated land of the Crown, may demand and recover from the owner or occupier of such Crown Land when alienated, within a period of six months after such alienation, half the then value of the said dividing fence.

35.—*Special Agreements Relative to Fencing.*—Nothing in this Law contained shall be deemed or taken to affect any covenant, contract, or agreement made or hereafter to be made relative to fencing between landlord and tenant, or between occupiers of adjoining land, or between any other persons whomsoever.

36.—*Entry upon Land for Fencing Purposes.*—Any person constructing or repairing a fence under this Law, his agents and servants may, if there be no available access thereto over their own land, with or without horses, cattle, wagons, carts, or carriages, at all reasonable times during such construction or repairing, enter upon any portion of the contiguous land and do thereon such acts, matters, and things as are necessary or reasonably required to carry into effect the construction or repairing of such fence: Provided always that nothing herein contained shall authorise the entry, for the purpose aforesaid, upon any land in crop or upon any garden, orchard, plantation, shrubbery, or pleasure ground without the consent of the owner thereof, or shall authorise any person to cut down, lop or injure any fruit exotic, or other tree or shrub without the special sanction of the aforesaid owner, save as is otherwise provided for in this Law.

37. Every owner or occupier of any land who shall incur or suffer any loss or damage by any act or thing done by any person wilfully acting contrary to the provision of the last foregoing section shall be entitled to compensation for the same.

39.—*Monies due under this Law First Charge on Land.*—All moneys due to any person for erecting a dividing fence under the provisions of this Law shall be, and are hereby declared to be, a first charge on the land in respect of which the same shall be payable, and all such moneys shall be a first charge and shall take priority of all charges and incumbrances whatsoever and whensoever made upon and over the immoveable property in respect of which such moneys are payable.

40.—*Intervention in Suits.*—Any person may come in and defend any proceeding under this Law against any tenant of such person in consequence of which such person may ultimately incur any liability, and any defence which the person originally proceeded against might set up shall be available to the person so coming in to defend.

41.—*Lands to which Law does not apply.*—This Law shall not apply to any unalienated Crown Lands, nor shall the Crown, the Governor,

nor the administration, management, or control of the Crown Lands be liable under the authority of this Law to make any contribution towards the construction or repairing of any dividing fence between the land of any occupier and any Crown Lands. Municipal Corporations shall not be liable to contribute to the cost of any dividing fence which may be erected within the boundaries of the Corporation lands.*

42.—*Selectors of Land on Deferred Payments.*—The provisions of this Law shall apply to all persons being selector of land on deferred payments, as if such persons held the land so selected under grants, and the said persons shall be liable in respect of the fencing of such land in the same manner as owners of lands under grants from the Crown.

43.—*Payment by Instalments.*—If any person shall be called upon under this Law to join in or contribute to the construction of any dividing fence, and such person shall be unable, sooner or otherwise, to pay the amount or any part thereof, which he shall be or become liable to pay, and shall, within one month after the amount which he is liable to pay shall be fixed, give notice to the person calling upon him to join or contribute as aforesaid, that he desires to pay such amount by instalments as hereafter mentioned, the amount payable by such person, or such part thereof as he shall not be willing to pay sooner or otherwise as aforesaid, together with the interest thereon, at the rate of eight per centum per annum, shall be paid by such person by equal yearly instalments, such instalments to be so calculated and fixed that the said capital sum and interest shall be paid off in a period of fifteen years from the date when he shall have given such notice as aforesaid, as more particularly shown in Schedule C hereto: Provided that, notwithstanding such notice, and the payment of any instalment as aforesaid, it shall be lawful for such person at any time during the said fifteen years, to pay the value at that time of the unpaid instalments in one sum, as shown in Schedule D.**

44.—*Public Roads.*—No person shall be allowed to erect any fence over any public or main road: Provided, however, that nothing herein contained shall prevent any owner or occupier from availing himself of the powers of fencing in manner and form as provided for in Clause 17 of Law No. 17, 1883.

45.—*Outspan.*—Nothing in this Law contained shall in any way interfere with, abrogate, or diminish the servitude of outspan imposed by Law or reservation or otherwise upon grants of lands in Natal.

*Section as amended by Law 23, 1889.

**Section as amended by Act 29, 1894; Act 12, 1897, enacts:—"For all purposes relating to boundary fences dividing Native Locations from the adjoining lands, the Fencing Law No. 30 of 1887 shall extend to the whole Colony, notwithstanding anything to the contrary contained in Section 41 of that Law."

46.—*Persons not included in term "Occupier."*—The word *occupier* shall not include tenants occupying under a grazing or agricultural lease directly from the Crown, nor tenants holding from year to year, nor Native tenants.

47.—*Apportionment of Cost of Fencing as between Landlord and Tenant.*—In every case where the occupier is tenant under a written lease the owner shall be primarily liable for a moiety of the cost of the construction of a fence under the provisions and in terms of this Law, and the tenant shall be liable during every year he may occupy his farm under the said lease to pay the said owner a fourth part of the annual instalment payable in respect of the construction of any such fence.

[Dated 14th March, 1887.]

DESCRIPTION OF "SUFFICIENT FENCE."

(Being Schedule A referred to in the foregoing Law.)

1. A substantial wire fence, having not less than six wires tightly stretched, with posts of durable wood or iron, well and substantially erected, the posts or standards to be not more than ten feet apart, top wire not to be less than three feet nine inches from the surface of the ground; and the wires not to be lighter than No. 8 in iron or No. 10 in steel. The space between each of the two bottom wires, or the bottom wire and the ground, not to exceed six inches.

2. A substantial wire fence, having not less than six wires, tightly stretched, with posts of durable wood or iron, well and substantially erected, the posts or standards not to be more than sixty feet apart, top wire not to be less than three feet nine inches from the ground, with two or more barbed wires and four plain wires, not to be lighter than No. 10 in steel or No. 8 in iron, and with lacing of wire (not lighter than No. 12), such lacings not to be more than six feet apart.

3. A stone wall not less than three feet six inches in height, exclusive of the coping, and not less than two feet six inches in width at base.

4. A bank or wall of substantial materials, at the least four feet six inches in height, of which the slope is not more than one foot from the perpendicular.

5. A close and sufficient live fence, at least four feet in height, proof against cattle, such fence to be kept properly trimmed.

6. A combination of the above kind of fences, at least four feet in height.

7. Any other description of fence mutually agreed upon by the persons interested.

8. A fence made in any other way equal in efficiency to any of the above-mentioned fences.

*Schedule B.***Notice to make Fence.*

To _____, occupier [or owner, or lessee, or
agent, as the case may be] of _____ [describing
adjoining land].

Take notice, that I desire that a boundary or dividing fence between [describing
the lands] be made immediately (on or before the _____ day of _____, 18____, and
that such fence shall be a [describe the fence].

Dated the _____ day of _____, 18____.

A.B.,
Occupier [or owner, or lessee, or agent] of, &c.

*Schedule C.***

Table of Equal Instalments payable at the end of each year for Fifteen Years, corresponding to amounts payable under Section 3 of this Law :—

| Amounts payable. | Equal instalments payable at the end of each year for 15 years. | Amounts payable. | Equal instalments payable at the end of each year for 15 years. |
|------------------|---|------------------|---|
| £ | £ s. d. | £ | £ s. d. |
| 1 | 0 2 4 | 80 | 9 6 11 |
| 2 | 0 4 8 | 90 | 10 10 3 |
| 3 | 0 7 0 | 100 | 11 13 8 |
| 4 | 0 9 4 | 200 | 23 7 4 |
| 5 | 0 11 8 | 300 | 35 1 0 |
| 6 | 0 14 0 | 400 | 46 14 8 |
| 7 | 0 16 4 | 500 | 58 8 4 |
| 8 | 0 18 8 | 600 | 70 2 0 |
| 9 | 1 1 0 | 700 | 81 15 8 |
| 10 | 1 3 4 | 800 | 93 9 4 |
| 20 | 2 6 9 | 900 | 105 3 0 |
| 30 | 3 10 1 | 1,000 | 116 16 8 |
| 40 | 4 13 6 | 2,000 | 233 13 4 |
| 50 | 5 16 10 | 3,000 | 350 10 0 |
| 60 | 7 0 2 | 4,000 | 467 6 8 |
| 70 | 8 3 7 | 5,000 | 581 3 4 |

NOTE.—Yearly instalments for any sum not mentioned in these columns, such as £2,345 may be obtained as follows :—

| | | | £ s. d. |
|------------------------|-----|-----|-----------|
| £2,000 gives | ... | ... | 233 13 4 |
| 300 „ | ... | ... | 35 1 0 |
| 40 „ | ... | ... | 4 13 6 |
| 5 „ | ... | ... | 11 8 |
| Therefore £2,345 gives | ... | ... | £273 19 6 |

*Referred to in Sec. 11 of the foregoing Law.

**Referred to in Sec. 43 of the foregoing Law. This Schedule stands as amended by Law No. 23, 1889.

*Schedule D.**

Aggregate value of Unpaid Instalments, each £100 in amount, of which the first is payable at once; and subsequently at yearly intervals:—

| Number of Instalments of £100 each. | Aggregate Value. | Number of Instalments of £100 each. | Aggregate Value. |
|---|---------------------|---|---------------------|
| | £ s. d. | | £ s. d. |
| 1 | 100 0 0 | 9 | 674 13 3 |
| 2 | 192 11 10 | 10 | 724 13 9 |
| 3 | 278 6 6 | 11 | 771 0 2 |
| 4 | 357 14 2 | 12 | 813 17 11 |
| 5 | 431 4 3 | 13 | 853 12 2 |
| 6 | 499 5 5 | 14 | 890 17 6 |
| 7 | 562 5 9 | 15 | 924 8 5 |
| 8 | 620 12 9 | | |

LAW NO. 26, 1890.

“To amend Law No. 30, 1887, entitled ‘Law to regulate the Erection and Maintenance of Dividing Fences.’”

1.—*Annual Charge upon the Public Revenues for Fencing Purposes.*—A sum not to exceed Two Thousand and Five Hundred Pounds Sterling shall, in each and every financial year, be chargeable upon and payable out of the public revenues of the Colony for fencing purposes, and the Governor in Council may entertain any application from the owner of land who, with the consent of the Colonial Engineer of the Colony of Natal, has fenced on both sides thereof any public or main road passing through his land, for a contribution out of such fund not exceeding one-half of the total cost as determined and ascertained by “The Fencing Law, 1887,” and the several Laws amending the same, towards the expense of erecting such fencing.

2.—*Allocation of Annual Sums.*—The said sum of Two Thousand and Five Hundred Pounds Sterling shall be allocated in equal shares among the several Counties and Divisions in which the Law 30, 1887, and the Laws amending the same, are in force.

3.—*Applicant to show Damage to be caused by Roads, etc.*—The applicant in each County or Division, being the owner of land, who applies for a contribution from the public revenue towards the expense of erecting fencing on both sides of any public or main road passing through his land, must show to the satisfaction of the Governor in Council that the said road and its use are a source of damage to and depreciate the value of the property of such owner, and that the fencing towards the construction of which the contribution is asked was constructed during the financial year in which the application is made, and to the satisfaction of the Colonial Engineer.

* Referred to in Sec. 43 of the foregoing Law. This Schedule stands as amended by Law No. 23, 1889.

5.—*Limitation of Application of Law.*—Nothing in this Law contained shall apply to any fence erected on the sides of any main or public road, within the boundaries of any Municipal Corporation, or of any Local Township, constituted under the provisions of Law No. 11 of 1881, and the Laws amending the same.

6.—*Construction.*—This Law, and the Laws No. 30, 1887, No. 36, 1887, and No. 23, 1889, shall be read and construed together as one Law.

[Dated 31st July, 1890.]

ACT No. 52, 1906.

“To extend the Operation of the Fencing Law, 1887.”

1.—*Repeal.*—Sections 2, 3, 4, 5 and 6 of the Fencing Law, 1887, are hereby repealed, and from the date of the commencement of this Act the said Law, with the Laws and Acts amending the same, shall be in operation throughout the whole of the Colony, except the Province of Zululand and those parts which are described in Act No. 1, 1903, as the Northern Districts.*

2.—*Extension of Fencing Laws.*—The Governor in Council may by Proclamation extend the operation of the said Laws and Acts to the Province of Zululand and the Northern Districts aforesaid, or he may by Proclamation from time to time extend the operation thereof to any specified part or parts of the Northern Districts.

3.—*Joint Construction.*—This Act shall be read in conjunction with the Fencing Law, 1887.

II.—TRESPASS.

LAW No. 13, 1874.

“With regard to Trespass on Private Lands.”

1.—*Wilful Trespass Defined.*—If any person shall wilfully trespass on any farm, estate, land, garden, yard, or premises belonging to another person, or to any Corporation or company, public or private, on which, or near to which, there shall be placed in a conspicuous position notice

*The Districts of Vryheid and Utrecht, and a portion of the District of Wakkerstroom lying south of a line drawn from the north-eastern corner of Natal, East of Volksrust, to the head waters of the Pongolo River, and thence along that river to the border of the Utrecht District.” (Sec. 3 of the Act cited).

in large legible letters forbidding in general terms all persons to trespass, and warning them against the consequences of so doing*; or, if in the absence of such notice any persons shall wilfully trespass, or refuse to quit after being requested by the owner, occupier, tenant, or their agents or servants, or in the absence of such notice, any person who has received due special notice, written or verbal, shall willfully trespass as aforesaid, every person so trespassing, and all others aiding and assisting, shall be deemed wilful trespassers, and may be seized and detained by such owners, etc., etc., as aforesaid, or anyone they may call to their assistance, until such trespassers can be conveniently taken before the Resident Magistrate, and when convicted such trespassers shall forfeit any sum not exceeding £5, or, in default, imprisonment not exceeding three months: Provided that every labourer or person having or occupying any building or portion thereof, on any farm or estate having an open path or road, authorised by the owner or other lawful authority, leading from the public road to such premises, and his relations, family, and visitors, shall not be considered trespassers by passing upon or along such authorised road.

2.—*Produce found on a Trespasser may be Seized and Detained.*—If any trespasser at the time of trespassing shall be in possession of any wood, timber, fruit, vegetable, or animal product, similar to any growing or being upon the estate, it shall be lawful for the owner, tenant, occupier, etc., to seize and detain such produce until such trespasser shall prove to the Resident Magistrate that the same has not been taken from such estate.

3.—*Any Trespasser shall be deemed Guilty of Theft.*—If such trespasser shall not within reasonable time, to be assigned by the Resident Magistrate, make it appear by what lawful means he came in possession of such property, he shall be deemed to have stolen the same.

4.—*Dogs Trespassing and Uncontrolled and without Collar may be Destroyed.*—If any dog shall be found trespassing on any farm, estate, land, garden, yard, or premises belonging to any person, Corporation, or company, and at large, without being under the immediate control, protection, or custody of some competent person, or unless such dog shall have a collar round its neck with the name of its owner legibly engraved or painted in English letters, any such dog whilst so found trespassing and at large may be immediately killed, or destroyed by the owner or occupier of the farm, etc., or by any agent or servant of his:

Provided that such collar shall not protect a dog from liability to be destroyed if found worrying sheep or other animals, or pursuing game,

*See Act No. 6, 1897, at the end of this Law.

or if trespassing upon a farm and not being then in the immediate custody, protection, or control of some competent person.*

5.—*Punishment for Defacing or Destroying any Board or Notice Forbidding Trespassing.*—Any person pulling down, destroying, or obliterating any board or notice put up by Law forbidding trespass, shall, for each offence, forfeit a sum of not less than £1, and may be condemned to pay for the restoration of such board or notice.

6.—*Police bound to Assist in Arresting Trespassers.*—Every member of the Police Force and every constable shall assist in the arrest of any trespasser, whenever called upon by the owner or occupier of any farm, estate, land, garden, or yard on which such trespass shall take place.

7.—*Power of Summary Conviction.*—All complaints under this Law shall be heard and determined in a summary manner.

8.—[Repealed by Act No. 49, 1898.]

9.—*Saving of Right of Action for Damages.*—Nothing herein contained shall prevent any person from proceeding by way of civil action to recover damages in respect of any trespass on his land or property.

ACT No. 6, 1897.

“To amend the Law with regard to Trespass.”

1.—*Fence a Notice against Trespass.*—A fence shall be deemed to be constructive notice against trespass for the purpose of Section 1 of Law 13, 1874, and to be sufficient warning to trespassers.

III.—SQUATTING.

ORDINANCE No. 2, 1855.

“Ordinance to Prevent Unlicensed Squatting, and to Regulate the Occupation of Land by the Natives.”

(Amended by Law 41 of 1884, “The Squatters’ Rent Law.”)

2.—*Penalty for Unlicensed Squatting.*—Any native who shall without license or permission hereafter erect any hut, or building of any kind, or shall make any garden on any Crown Land, not being within a Native Location, or on any land belonging to any private person, shall in respect of every such hut, building, or garden, forfeit and pay a sum not exceeding One Pound, or be imprisoned with hard labour for the term of three months.

* This proviso, as well as the words “legibly engraved or painted in English letters,” after the words “with the name of its owner,” in the first paragraph, were added by Act No. 25, 1899.

3.—*Ejection of Natives Unlawfully Residing on Private Property.*—

If the owner of any land, or his representative, shall complain to the Magistrate of his district that any Native is unlawfully residing on the same, then in case the said Native had originally received no permission to reside on such land, the Magistrate shall cause him to be instantly removed therefrom; and in case the said Native resided on the land, other than a lease or other agreement, which has expired or become void, through any act or omission of the said Native, the Magistrate shall, after giving the said Native time to collect and gather in the crops then growing on the land, cause him to be removed therefrom.*

4.—*Action of Ejectment Unnecessary.*—Under authority of this Ordinance the Magistrate may cause offending Natives to be summarily removed, and to cause their huts, or other buildings, to be pulled down.

5.—[Natives not to reside on unoccupied land without permission from the Governor, Colonial Secretary, Secretary for Native Affairs, or Resident Magistrate.]

6.—*Owners, etc., of Land to send in a Return to Resident Magistrate of Kafirs; where more than three Families Reside.*—No owner or occupier of land shall allow more than three Native families to reside on his land, unless he sends in a return, in the month of January each year, of the number of Natives and huts, and also of his agreement with such Natives. Any person omitting to send in such return is liable to a fine for every such omission, viz., not less than £1, nor more than £5, and is responsible for the damage or trespass committed by such Natives or their cattle on adjoining lands.

LAW NO. 41, 1884.

“To Provide for the Collection of Rent from Native Squatters or Occupiers of Crown Lands.”

3.—*Squatting on Crown Lands Prohibited.*—[No person allowed to come on to and squat on Crown lands without the permission of the Governor, under a penalty of £1, or in default imprisonment not exceeding three months.]

4.—*Native Squatters may be Removed on Six Months' Notice.*—Any Native squatter may be removed from any Crown Lands by the Resident Magistrate giving such squatter six months' notice, in writing, in the month of January.

5.—*On Expiration of Notice Squatters may be Summarily Removed.*—In all cases when notice as above has been given, and such notice is

*If the native plants crops after notice to quit, he cannot claim to gather them. (*Sigonswana v. Tar*, 5, N.L.R., 135).

disregarded by the Native squatter, no action for ejectment shall be necessary, and the Magistrate can order the squatter to be summarily removed.

REFERENCES IN OTHER LAWS.

FENCING.

The compulsory erection of fences, as might be required by the Minister of Agriculture, to prevent the spread of East Coast Fever was provided by Act No. 6 of 1907—for the text of which Law see Ch. I. (ii.). Loans to occupiers of land for the purpose of erecting fencing were authorised by Act No. 20 of 1910—see Ch. I. (ii.). Removal of or interference in any way with fences erected in connection with the suppression of East Coast Fever is dealt with in Section 7 of Act No. 54, 1906 (see Ch. I., ii.).

The fencing of public roads is provided for by Act No. 9 of 1902, the text of which will be found in Ch. VI. (iii.).

In providing for the acquisition of land for outspan places, Act No. 15, 1896 (Section 7) permits the fencing of any land taken for an outspan by Government at the public expense. (The text of this Act will be found in Ch. VI., iv.).

TRESPASS.

Under Section 11 of Act No. 30, 1897 (Lungsickness Prevention) an owner allowing cattle from a licensed herd to trespass is liable for all damage caused by such trespass to any herd with which the diseased cattle so trespassing may have come into contact, provided infection occurs within twenty-one days (see full text in Ch. I., iii.). The straying of cattle when East Coast Fever is in the neighbourhood is dealt with in Section 6 of Act No. 54, 1906 (East Coast Fever). The owner of such cattle is liable for any damages they may have brought about, as well as for the expenses incidental to the detention and destruction or quarantining of the cattle (see Ch. I., ii.).

Similarly in the Scab Law of 1887 (Law No. 48, 1887), provision is made for straying or trespassing sheep infected with scab. See the full text of the clause relating to this provision (Section 10) in Ch. I. (viii.).

In describing the method to be adopted in laying out and maintaining an outspan, Section 5 of Law No. 9, 1870, provides that, unless the required notice board and beacons are maintained in thorough repair, the occupier of a farm on which an outspan exists shall not have any claim in respect of trespass committed on any grass-land by draught animals belonging to anyone outspanning there (see Ch. VI., iv.).

Trespass on private or Crown lands for the purpose of destroying game is dealt with in Sections 7 and 8 of Law No. 16, 1891—see text in Ch. II. (v.).

Chapter VIII.

GRASS-BURNING.

[LAWS.—Law 21, 1865; Sec. 14 of Law 9, 1870; Law 21, 1874; Act 31, 1895; Act 18, 1902; Act 3, 1905.]

On the subject of grass-burning there has been a fair amount of legislation, but the two principal Laws are Law No. 21 of 1865 and Act No. 31 of 1895.

Neglect of a grass fire resulting in the fire's crossing the boundary of the farm and doing any damage on neighbouring lands is punishable by a fine of £10; whilst a fine of £25 is prescribed for the setting alight of grass on land which is not tenanted or owned by the person starting such fire (Act 31, 1895, Sections 7 and 8). Whilst this fire is prescribed, the Law does not interfere with the right of any person to sue for and recover compensation for any damage occasioned by neglected fires (*Idem*, Section 11). A firebreak has to be made around the boundary of every farm each year between the end of April and the 15th August; and the manner in which this is to be done is described in Sections 9 and 10 of the 1895 Act. The main provisions of these two Laws (Law 21 of 1865 and Act 31 of 1895) are given below, but, as will be seen, the latter is practically a re-enactment of the former, with enlargements.

Under Section 14 of Law 9, 1870, outspans are deemed public lands, and so come under the provisions of the Grass-Burning Laws of 1865 (Section 2) and 1895 (Section 8). The 1895 Act was also extended in 1902 to include railway lands; and by an Act passed in 1905 (No. 3 of that year) the onus of disproving negligence is placed upon the defendant in actions for damages sustained by fire occasioned by a locomotive.

LAW NO. 21, 1865.

“To Prevent the Indiscriminate Burning of Grass.”

1.—*Penalty for Burning Grass if Fire extends beyond the Parties' Lands.*—Any person who shall wilfully or carelessly burn grass on lands of which he is the owner or occupier, or which may be otherwise placed under his charge or supervision, and which fire shall extend beyond the boundaries of such property and cause damage to property of any other person, shall be liable to a fine not exceeding Ten Pounds Sterling.*

*See Sec. 2 of Act No. 31, 1895, *post*.

24.—*Penalty for Burning Grass on other People's Land.*—Any person who shall wilfully or negligently burn grass on public lands or property not belonging to him or not being in his occupation or under his superintendence shall be subject to a fine not exceeding Twenty-five Pounds Sterling, or to imprisonment, with or without hard labour, for a period not exceeding six months.*

5.—*Disposal of Fines.*—All fines imposed by this law shall be paid to Her Majesty, her heirs, and successors, and unless remitted shall be applied to the uses of the Government of this Colony:

Provided that the Resident Magistrate may in any case award and direct any portion, not exceeding one-half thereof, to any person or persons who shall have given such information as may have led to the conviction of any offender.

6.—*Person found Firing Grass may be Apprehended.*—Any person found in the act of setting fire to grass not being within land his property or in his occupancy or charge may be apprehended by any Field Cornet, police constable, or land-owner, and forthwith brought before a Resident Magistrate or Justice of the Peace to be dealt with according to Law.

7.—*Party Damnified by Grass Burning may sue for Damages.*—Nothing in this Law contained shall have the effect to prevent any person who shall be injured in consequence of the burning of grass to recover damages by a civil action from the offender.

[Dated 24th Aug., 1865.]

LAW No. 9, 1870.

*"For regulating places of Outspan, and the rights of Travellers with respect to Roads and Outspan Places."***

14.—*Outspan places deemed "public land" within meaning of Grass Burning Law—Law 21, 1865.*—Every outspan place set apart under the provisions of this Law shall, for the purpose of the Second and Sixth Sections of Law No. 21, 1865, entitled Law "To prevent the indiscriminate burning of grass," be considered as public land: and the owner or owners of the farm or piece of land on which such outspan place was established shall, in the event of his or their wilfully or negligently burning grass on such outspan place, be amenable to the provisions of the said Second and Six Sections of the Law No. 21, 1865, aforesaid.

*See Sec. 2 of Act No. 31, 1895, *post*.

**The full text of this Law will be found in Part iv. of Chapter VI.

ACT No. 31, 1895.

"For the Better Regulation of Grass Burning."

Short Title.—"The Grass Burning Act, 1895."

2.—*Operation of the Act.*—This Act shall extend to and be in operation in such Magisterial Divisions of the Colony (including Native Locations in such Divisions) as shall in manner hereinafter provided be by proclamation of the Governor brought under this Act, and when any Division of the Colony shall be so brought under this Act, then Sections 1 and 2 of Law No. 21, 1865, and Section 1 of Law No. 21, 1874,* shall, so far as regards such Divisions, be deemed to be superseded by the provisions of this Act.

3.—*Requisition for Extension of Act to a Magisterial Division.*—In case any fifteen owners of land (erven holders excepted) resident in any Magisterial Division, and holding different farms, shall request the Magistrate of such Division to convene a public meeting of the owners of land in the said Division to be held at the seat of Magistracy, and at a time and place to be stated in such requisition, such Magistrate shall convene a meeting to decide whether such Magisterial Division shall be brought under the provisions of this Act.

4.—*Notice to Convene Meeting.*—The notice convening such meeting shall be published by the Magistrate for a period of at least one month in the *Natal Government Gazette*, and in one local newspaper, and also on the public notice board at the seat of Magistracy.

5.—[Magistrate to preside.]

6.—*If resolution is passed Act may be extended to Division.*—If at such meeting there shall be at least twenty electors, being owners of farms in the Division, and a majority of two-thirds of such electors shall sign a resolution in favour of bringing such Division under this Act, the Governor may, in his discretion, proclaim that the provisions of this Act shall extend and apply to such Division: Provided that if at any such meeting no such resolution shall be carried, it shall not be lawful for the Magistrate of that Division to convene another meeting in such Division for the purpose aforesaid until twelve months shall have elapsed from the date of such meeting.

7.—*Burning Grass on Farms Punishable where Damage Results from Neglect.*—The owner or occupier of any farm in any Division of the Colony to which this Act shall apply setting fire to the grass on his farm shall be bound to take care that no damage results therefrom to the property of any other person, and if he shall neglect to take such care, and such fire shall extend beyond the boundaries of such farm, and shall

*Repealed by Act No. 49, 1898.

cause any damage to the property of any other person, such owner or occupier so setting fire to grass and thereby causing such damage, shall be liable to a penalty not exceeding Ten Pounds Sterling, or imprisonment with or without hard labour for any term not exceeding six months for each offence.

8.—*Punishment for Burning Grass on Another's Land.*—Any person who shall, in any Division to which this Act shall apply, wilfully or negligently burn or ignite, or cause to be burnt or ignited, any grass on public lands or on land of which he is not the owner or occupier, without authority, shall forfeit and pay for every such offence any sum of money not exceeding Twenty-five Pounds Sterling, or be imprisoned in any gaol, with or without hard labour, for any period not exceeding twelve months.

9.—*Firebreaks.*—In every Division of the Colony to which this Act shall apply, the owner or occupier of a farm may, between the 30th day of April and the 15th day of August, make a firebreak as hereinafter defined on any boundary of his farm. Before making such firebreak such owner or occupier shall send to his neighbour, whose land abuts on the site of the proposed firebreak, at least seven days' notice in terms of the schedule annexed, and should such neighbour fail, neglect, or refuse after due notice as aforesaid to join in making any firebreak at the time appointed, then the owner or occupier who has in the first instance delivered such notice may, without being answerable or chargeable with any act of trespass, enter upon his neighbour's land on the day named, and from day to day by himself and his servants, and make or cause to be made or continued a boundary firebreak in terms of this Act, and for every firebreak made by him along his defaulting neighbour's boundary, the person making such firebreak shall be entitled to claim and recover in any competent Court in the Colony recompense for his labour at the rate of Thirty Shillings per mile, to be paid by the owner of the farm.

10.—*Firebreaks, Definition of.*—The firebreaks provided for by this Act may be made on either side or on both sides of the boundaries of the lands affected, and shall not be more than 100 yards and shall not be less than 15 yards in width, and shall be deemed to mean the burning or ploughing of a strip of grass land, and the term neighbour shall embrace all persons being owners or occupiers of lands adjoining the farm of or in the occupation of the person giving notice of firebreak-burning or ploughing.

11.—*This Act not to take away Rights of Action or Liabilities.*—Nothing in this Act contained shall take away or interfere, or be construed to take away or interfere, with the right of any person to sue for and recover at common law, or otherwise, compensation for or in respect

of any damage or injury occasioned by the reckless or negligent use of fire; and this Act shall not exempt any person from any action, suit, or other proceeding which might but for the provisions of this Act be brought against him.

12.—*Prosecutions for other Offences not Barred.*—Nothing in this Act shall prevent any person from being liable to any punishment to which he would otherwise be liable, provided that he be not punished twice for the same offence.

13.—*Interpretation of Terms.*—In construing this Act, the term “Native” shall mean a Native as defined in Law No. 14, 1888*; “owner” includes a registered proprietor, or a lessee for any term, or a trustee holding a property in trust; “occupier” includes any person who is in the actual occupation of, or entitled as owner to occupy, any land alienated from the Crown and all persons being selectors of land on deferred payments; “elector” means a person whose name is on the Voters’ List for the Electoral District.

14.—*N.N.T. and N.G.R.*—The Natal Native Trust and the Department of the Natal Government Railways may each be deemed to be an owner of a farm within the meaning of this Act.

Schedule A.

Form of Notice.

To A.B.
the farm [owner or occupier, as the case may be], of

Please take notice that in terms of the Section of the Grass Burning Act, 1895, I intend to commence burning (or ploughing—as the case may be) a boundary firebreak along our joint boundary at [state day, hour, and place].

[Dated 24th Aug., 1895.]

ACT No. 18, 1902.

“To amend and extend the operation of the Grass Burning Act, 1895, and to provide for enquiries into Fires occurring along the Natal Government Lines of Railway in the Colony.”

1.—*Extension of Grass Burning Act to Railway and adjacent lands throughout Colony.*—The Grass Burning Act, 1895, shall, anything in the said Act notwithstanding, extend to and be in operation throughout the Colony, so far as relates to lands occupied by the Natal Government Railway, and to lands through which any such railway runs, or which abut

*Sec. 1 of the Law cited defines the term “Native” as including “all members of the aboriginal races or tribes of Africa, south of the Equator, including liberated Africans, commonly called Amandawo, who are not exempted from the operation of Native Law in terms of Law No. 28 of 1865: Provided that, Griquas and Hottentots shall not come under the provisions of this Law.”

upon railway lands, in same manner as if the said lands, and the Magisterial Divisions in which they may be situated, had been brought under the said Act by Proclamation of the Governor in manner as in the said Act provided; and for the purposes of this Act the Department of the Natal Government Railways shall be deemed to be an owner or occupier of a farm within the meaning of the said Act.

2.—*Inquiry by Magistrate in case of Fire near Railway.*—Whenever a fire occurs on lands abutting upon a railway and damage is caused thereby, then upon the request of any superior officer of the railway, or upon such information being given by any other person as shall satisfy the Magistrate that there is reasonable ground to believe that the fire may have been caused by sparks or coals from a railway engine or through the act of some person working the same, the Magistrate shall hold an enquiry as to the cause of the fire. Such request must be made, or such information must be given, within seven days after the fire.

3.—*Inspection of Scene of Fire.*—The Magistrate shall at once cause the scene of the fire to be inspected and examined, and shall also, if possible, proceed thither and inspect the place himself.

4.—*Taking Evidence.*—The Magistrate shall summon before him all such persons as he may require, and shall examine such persons on oath, and shall take down their evidence in writing.

5.—*Witnesses.*—Any person summoned as a witness, and making default, shall be liable to a fine not exceeding £10 Sterling, and may be brought before the Magistrate under arrest to give his evidence; and for the purpose of any perjury or contempt or the like committed by witnesses, the enquiry shall be deemed to be a judicial proceeding in the Magistrate's Court.

7.—*Expenses and Costs.*—The expenses of the witnesses shall be paid as in criminal cases, and the costs of the enquiry shall be borne by the general revenue.

ACT No. 3, 1905.

“To declare the Law with regard to the proof of Negligence in causes arising out of Fires caused by Railway Engines.”

1. In any action for damages sustained by fire occasioned by a railway engine, it shall not be incumbent upon the plaintiff to prove that a fire shown to have been so occasioned was due to the negligence of the Railway Department, or of the owner of a railway not belonging to the Colonial Government, but such negligence shall be presumed unless the contrary is shown, and the onus of disproving negligence shall rest upon the defendant.

Chapter IX.

NATIVE LABOUR LAWS.

[LAWS :—*Master and Servant* : Act 40, 1894 ; Act 49, 1901 ; Act 50, 1901 ; Act 3, 1904 ; Act 12, 1908. *Touts and Touting* : Act 46, 1901 ; Act 1, 1908].

The Laws relating to Native labour may be conveniently considered under two general headings, *viz.*, Master and Servant, and Touts and Touting. Of the Laws the subject matter of which falls under the former of these two categories, Act No. 40 of 1894 and Act No. 49 of 1901 are the most important. The 1894 Act provides that contracts of service, unless specifically stated otherwise, are to be held to be for one month; and no oral contract of service is binding for a longer period than twelve months. Wages must not be paid in kind. The master is held responsible, unless otherwise stipulated in the contract, for the feeding and housing of his servant (see Sections 12 and 49 of 1894 Act), and must pay hospital fees at the lowest rates charged by the hospital, for a period of two months if necessary, in cases of sickness on the part of the servant. Fines are prescribed for misconduct of certain types—see Sections 26, 27, 28, and 29 of the 1894 Act. Imprisonment or payment of fines does not cancel contract of service unless specially ordered by Magistrate (Section 30, 1894 Act).

Act No. 46, 1901, was framed to facilitate the identification of Native servants, and to this end it requires every Native servant (except such as are giving their services in lieu of rent) to take out an “identification pass”; and it also requires every employer of Native labour to keep a labour book in which he must copy the identification pass of each Native in his employ.

I.—MASTER AND SERVANT.

ACT No. 40, 1894.

“To regulate the relative rights of Masters and Native Servants, and to provide protection for such Servants.”

Short Title: “The Master and Servants (Native) Act, 1894.

2.—*Interpretation of Terms* (Section abbreviated).—In this Act

The word “*servant*” shall mean—

- (a) Any Native employed for hire, wages, or other remuneration, to perform any handicraft or engage in any bodily labour in agriculture or manufactures, or otherwise, or in domestic service, or as a boatman, porter, miner, driver, herd, or other occupation of a like nature.
- (b) Native employed from time to time for hire on any description of work by or on behalf of the Government of Natal.
- (c) Every Native, not otherwise subject to Military Law, employed as a conductor, driver, leader, labourer, or in any such like capacity by the authorities of Her Majesty’s land or sea forces, serving within the Colony of Natal, whether such person be employed in or by the Commissariat, Ordnance, or any other department or branch of such forces, or employed by any officer acting on behalf of any such department or branch.

The word “*master*” shall comprise any person, employing for hire, wages, or other remuneration, any Native servant. For the purpose of this sub-section the word “*master*” shall mean and include the Colonial Government of Natal, and any body corporate, company, society, or individual.

The words “*contract of service*” shall comprise any agreement whether oral or written, whether expressed or implied, which any servant shall have entered into or made, according to Law, with a master for the performance of any work or labour of any kind hereinbefore mentioned.

The word “*month*” means the period of thirty days.

5.—*Duration of Contract in Absence of Special Stipulation*.—Every contract of service, whether oral or written, the term of endurance of which shall not have been expressed specifically, and limited by such contract, shall, in the absence of sufficient proof to the contrary, be deemed and taken to be for the term of one month from the commencement thereof. [Remainder of section deals with trades and handicrafts.]

6.—*Oral Contracts*.—No oral contract of service shall be valid or binding for any longer term than twelve months from the period fixed for the commencement of the service stipulated for by such contract; and no such oral contract shall be valid or binding in any case, unless it be

stipulated in such contract that the service thereby stipulated for shall be entered upon by the servant, within one month from the date of the contract.

7.—*Written Contracts*.—No written contract of service entered into in this Colony shall be valid or binding for a longer period than twelve months from the date thereof, nor shall any contract for service in writing be valid or binding in any case on any servant, unless the service so contracted for shall be stipulated to commence within the period of one month from the date of the contract, except the contract be signed with the name, or, in case of illiterate persons, with the mark of the contracting parties, in the presence of a Magistrate or Justice of the Peace, who shall satisfy himself by enquiry of the servant that the contract was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect, and shall then, and not till then, subscribe such written contract in attestation of that fact.

8.—*Limit of Duration*.—No such contract so entered into before a Magistrate or Justice of the Peace shall be valid or binding for a longer period than thirty-six months from the date thereof.

9.—*Form of Contract*.—All contracts of service entered into before a Magistrate or Justice of the Peace shall be drawn up as nearly as possible in the form of the Schedule of this Act.

10.—*Determination of Contract*.—No contract of service for a month or any longer period shall be deemed and taken to have expired until at least one month's notice, calculated from, and inclusive of, the day of giving such notice, shall have been given by either of the parties to the other party, unless it shall have been expressly stipulated that no such notice shall be necessary; and when the service shall be a weekly one, a week's notice shall be necessary: Provided that nothing herein contained shall be construed so as to enable any party to any contract of service to determine the same without the consent of the other party, before the expiration of the term of service originally agreed upon.

11.—*Waiver of Notice*.—When any such notice as hereinbefore mentioned shall have been given by either of the parties to the other, and the master shall suffer the servant to remain, or the servant shall remain in his service after the day on which, according to the notice given, the contract of service should expire, such notice shall be deemed and taken to have been withdrawn and passed from, and the contract of service shall continue to endure as long, and in like manner, as if no such notice had been given unless it shall have been otherwise expressly and specially agreed between the parties.

12.—*Food and Lodging*.—[In all contracts, whether oral or written, by which it is stipulated that the servant shall reside on the premises of his master, unless otherwise expressly provided, the master shall be

deemed and taken to have engaged to provide such servant with lodging and sufficient food of good and wholesome quality during continuance of the contract.]

13.—[In case of action for non-payment of wages, the Magistrate may, if necessary, determinate the rate of wages to be paid.]

14.—*Payment in Money or Kind.*—No servant's wages, if contracted for in money, may be paid in kind, or if contracted for in kind, may be paid in money, or in any other than the stipulated kind, except by the express consent of the servant.

15.—*Sickness of, or Accident to, Servant.*—When any servant shall, in consequence of any sickness or accident, be rendered incapable of performing his master's service, he shall not be entitled, in the absence of any special provision in the contract, to receive his wages, except such as shall be already due: Provided that the master shall be bound to provide such servant, if residing or being on his premises, with proper and sufficient food during such incapacity of the servant, for a period of two months, when he shall be at liberty to treat and consider the contract of service as determined and rescinded to all intents and purposes whatsoever.

16.—*Hospital Fees.*—If any servant, being resident on his master's premises, shall be received therefrom into hospital for the treatment of any sickness or accident, the master shall be bound to pay the hospital for the food supplied to such servant at the lowest daily rates charged by the hospital.*

The liability of such master shall not extend beyond a period of two months: Provided, however, that nothing in this section shall be deemed to apply to any case of sickness or accident occasioned by the drunkenness or misconduct of a servant, but such servant, if treated in a hospital for any sickness or accident so occasioned, shall be liable to pay for the cost of his maintenance and treatment therein, and to be sued for such payment.

17.—*Interment of Body of Servant Dying within Borough or Township.*—[In the event of decease of a servant during continuance of his contract of service, whose body may not be claimed within a reasonable time by his relatives or friends, the master of such servant shall cause the body to be decently and properly interred in some place which shall be duly set apart.]

* As amended by Act No. 12, 1908. The amending section of this Act reads as follows :—"The respective rates of one shilling and two shillings a day as fixed by Law No. 3, 1891, and by Sec. 16 of Act No. 40, 1894, to be paid by a master to a hospital on account of a servant received into a hospital shall be altered to the lowest daily rates charged by the hospital in the respective cases of Natives or Indians and of Europeans, and the charges fixed by this Act shall include all charges for food, medical attendance and otherwise."

18.—*Cost of Interment.*—[The cost of such interment shall in the first instance be borne by the master of the deceased servant: Provided, however, that if the deceased should have died possessed of any estate, or entitled to any wages, the necessary cost of such interment shall be a charge by the master against the estate of such servant.]

19.—*Contracts for Services of Wife and Children.*—All contracts of service stipulating for the services of the wife of any servant, together with those of her husband, shall be made or executed by her in like manner as the same shall be made and executed by her said husband: And it shall be lawful for the father, or, in the event of his death or absence, then for the guardian of any child under the age of sixteen years, to contract for the service of such child, in like manner as such person may contract for his own services; and when such contract shall be in writing the name and age of every such child shall be clearly set forth and specified in the contract: Provided always, that nothing herein contained shall give to the master of any such parent any claim on the services of any such child beyond the period for which the parent shall be engaged, nor beyond the period when such child shall attain the age of sixteen, nor to the services of any other child of the contracting parent, whether under colour of such last mentioned child having been fed or clothed by the master, or having been born while the parent of such child was in the said master's service, or under any other pretence whatsoever.

20.—*Death of Husband or Father.*—On the death of any person being at the time, together with his wife and any child, under contract as aforesaid, the contract shall become null and void, with respect to such wife and children, at the expiration of one month after the death of such person.

21.—*Residence of Servant's Family on Master's Premises.*—It shall not be lawful for any person entering into any contract of service by which it is stipulated that the servant shall himself reside on the premises of the master, to keep his wife and children on the premises of his master, unless when the master shall have also stipulated in such contract that this shall and may be done: Provided that, when the master shall have so stipulated, it shall not be lawful for him to claim the services of any such wife or child by reason merely of their residence on his premises.

24.—[Jurisdiction may be given to Justices of the Peace.]

26.—*Offences Punishable by Fine of £2, or Imprisonment for one Month.*—Any servant may be fined any sum not exceeding £2, and in default of payment of the same may be imprisoned, with or without hard labour, for any period not exceeding one month, or may in the discretion of the Magistrate, be imprisoned, with or without hard labour, for any

period not exceeding one month, without the option of a fine, in case he shall be convicted of any of the following acts or instances of misconduct, that is to say:—

- (1) If he shall, after having entered into a contract, fail or refuse without lawful cause, to commence the service at the stipulated time.
- (2) If he shall, without leave or lawful cause, absent himself from his master's premises, or other place proper and appointed for the performance of his work. (Note.)
- (3) If he shall unfit himself for the proper performance of his work, during working hours, by becoming or being intoxicated.
- (4) If he shall neglect to perform any work which it was his duty to have performed, or if he shall carelessly or improperly perform any work which from its nature it was his duty, under his contract, to have performed carefully and properly.
- (5) If he shall refuse to obey any command of his master, or of any person lawfully placed by his master in authority over him, which command it was his duty to obey.
- (6) If he shall make any brawl or disturbance in or at his master's dwelling-house, or on his master's farm, and after being, by his master or any other person placed by his master in authority over him, desired to desist, shall, notwithstanding, continue making such brawl or disturbance.*

27.—*Repeated Convictions*.—[In the case of a second conviction or of more such convictions than a second, within six months after the former conviction, the offender may, in regard to such second or further conviction, be fined any sum up to £3, or be kept at hard labour up to six weeks, and liable to solitary confinement, spare diet, as the Magistrate in his discretion shall adjudge.]

28.—*Offenders Punishable by Fine of £3, or Imprisonment for two Months* (Section abbreviated).—Any servant may be fined any sum up to £3, and, in default, may be imprisoned with hard labour for a period up to two months or imprisonment without the infliction of a fine, with or without hard labour, or be kept in solitary confinement, with or with-

*A native charged under this sub-section cannot be found guilty under Sub-section 5. (Shum v. Unkanka, G.N.L.R., 69.)

out spare diet, in case he shall be convicted in any of the following acts or instances of misconduct, that is to say:—

- (1) If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness, do any act tending to the immediate loss, damage, or serious risk of any property placed by any other person in his charge for delivery to or on account of his master.
- (2) If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness, refuse or omit to do any lawful act proper and requisite to be done by him for preserving in safety and property placed by his master in his charge or placed by any other person in his charge for delivery to or on account of his master. But if it shall appear that such servant is able to pay the damage caused by such act or default as in this section aforesaid, it shall be competent for the Magistrate to proceed under the 45th Section of this Act.
- (3) If, being employed as a herdsman, he shall fail to report to his master the death or loss of any animals placed in his charge, which he shall allege to have died or been lost, on the earliest opportunity for so doing after he shall have discovered such death or loss, or if he shall fail to preserve for his master's use or inspection any part or parts of such animal as he shall allege to have died, which parts he shall by his master have been directed to preserve, unless such herdsman shall prove to the satisfaction of the Court the death of such animals, or if it be made by his master to appear that any such animal alleged by him to have strayed away or otherwise become irrecoverably lost, could not under the circumstances of the case have become irrecoverably lost without his act or default.
- (4) If, being employed in any capacity other than that of a herdsman, he shall allege the loss of any property placed in his charge by or for his master, and it shall be made by his master to appear that the property in question could not have been lost without his act or default.
- (5) If he shall without lawful cause desert from his master's service. (Note.)
- (6) If he shall use any abusive or insulting language to his master, or to his master's wife, or to any person placed by his master in authority over him, calculated to provoke a breach of the peace.

(7) If he shall, without leave, and for his own purpose, make use of any horse, vehicle or other property, belonging to his master.*

29.—*Repeated Convictions.*—[In case of second or subsequent convictions under the last preceding section, subsequent convictions being within the space of six months next after the former conviction, the fine may be increased to £5 and the imprisonment up to three months, solitary confinement spare diet, etc., as the Magistrate convicting determines.

30.—*Effect of Fine or Imprisonment on Contract.*—No fine paid or period of imprisonment undergone under this Act by a servant shall have the effect of cancelling the contract of service, unless otherwise specially ordered by the Magistrate.

31.—*When Servants may be Arrested.*—If the master of any servant alleging matter of complaint against such servant for any act punishable under this Act, shall make a deposition on oath before a Magistrate or Justice of the Peace, that he believes, stating the grounds of his belief, that in order to secure the appearance of such servant before the Magistrate having jurisdiction to try the case, the apprehension of such servant is necessary, it shall be lawful for such Magistrate or Justice of the Peace to issue his warrant for the apprehension of such servant without previous warning of summons.

Provided, however, that if the master of any servant shall make such deposition maliciously and without reasonable and probable ground for believing the same to be true, such master shall be liable to be fined any sum not exceeding £5, in default of payment thereof to imprisonment for any period not exceeding one month.

32.—*Arrest for Desertion.*—If any servant is charged with having, without lawful cause, deserted from his master's service it shall be lawful for any Magistrate or Justice of the Peace to issue his warrant for the apprehension of such servant without any previous warning or summons.

33.—*Punishment of Boys by Whipping.*—In every case in which a boy not being over sixteen years of age is convicted of an offence under this Act, the Magistrate shall have power to sentence him to receive a private whipping of not more than fifteen strokes with a cane or rod.

Such punishment to be either in addition to or in lieu of any other punishment provided by this Act.

34.—*Refusal to Resume Service after Imprisonment.*—If any servant, whose contract of service still subsists, shall, upon being discharged from prison after undergoing imprisonment under this Act, refuse or

*An arrangement by which a father pledged the services and the lobola of his daughter for discharge of a debt was not enforced on a charge of desertion. (*Qon-dekili v. Mackenzie*, 18 N.L.R., 188.)

neglect, upon his master's request, to resume his service under his contract, he shall be liable to be imprisoned with or without hard labour for any period not exceeding one month, and so on for successive periods, not any of them exceeding one month, until he shall consent to resume, and shall resume his service under his contract; and every such period of imprisonment, or so much thereof as the convicting Magistrate shall adjudge, may be with solitary confinement with or without spare diet, or with spare diet with or without solitary confinement: Provided, however, that no servant shall, under this Act be imprisoned continuously, and without any intermediate resumption of service, under his contract, for longer than six months in all.

35.—*Term of Unlawful Absence and Imprisonment added to term of Service.*—The number of days for which a servant may be absent from his master's service by reason of desertion or unlawful absence, or of imprisonment for an offence under this Act, or during which he may be employed in going to, being at, and returning from a Magistracy in connection with an offence proved against him under this Act, shall be deemed to be added to the term of service originally agreed to, and the term of service shall be incomplete until the expiry of all such added days.

36.—*Obligation to Return to Service after Imprisonment.*—Any servant who shall be tried for an offence under this Act shall return to his master immediately after the trial, or, if sentenced to imprisonment, immediately upon completion of his term of imprisonment; and if he shall not do so he shall be deemed guilty of the offence of being unlawfully absent from his master's premises within the meaning of Sub-section 2 of Section 26 of the Act, and he may be arrested by any constable and brought before the Magistrate and tried summarily, and it shall not be necessary in such a case for the master to lay a complaint or to appear in support of the charge, provided that it sufficiently appear by other evidence that such offence was committed.*

37.—*Deduction of Fine from Wages.*—In any case where a servant shall be fined by a Magistrate and such fine shall be paid by the master, the sum so paid by the master may be deducted from the servant's wages.

38.—*Prescription of Prosecution.*—No servant shall be convicted under any of the foregoing sections of this Act unless the master shall lodge his complaint within three months next after the day on which he became cognisant of the alleged offence.**

39.—*Servant may be Warned to Appear and Answer Charge.*—[In order to save time and expense, the master of any servant may warn and

* As amended by Act No. 50, 1901.

** As amended by Act No. 35, 1899.

order such servant to appear before the Magistrate: and should he fail to appear, the Magistrate after proof that such warning was given may issue his warrant for the servant's apprehension.]

40.—*Failure of Complainant to Appear.*—Should any complainant who shall have warned any such defendant as aforesaid to appear as aforesaid himself fail to appear at the time fixed by him for the appearance of such defendant then and there to prosecute his complaint, the Magistrate, upon proof by affidavit that such defendant was warned by such complainant to appear at the said time to answer a charge of a certain nature, shall, unless satisfied that such complainant had a good and sufficient reason for failing to appear at such time, ascertain the distance which such defendant shall have travelled, and the distance which any person or persons shall have travelled, whom such defendant shall have brought with him as witnesses, and shall, upon being satisfied that such witnesses would or might have been necessary for his defence, and, after due notice to the complainant, make an order in writing against such complainant for the payment of the expenses of such defendant and his witnesses, if any, at and after the same rate as if each of the said persons had been a witness summoned at the instance of the public prosecutor, and attending to give evidence in the Court of such Magistrate upon a criminal case; and if such complainant shall, upon presentation to him of such order by the person or persons in whose favour the same shall have been made, refuse or neglect to comply therewith, he shall incur and be liable to a fine not exceeding Five Pounds Sterling, and in default of payment of the same to imprisonment, with or without hard labour, for any period not exceeding one month: Provided that one such order may include the expenses of all or any of the persons whose expenses are to be paid, or separate orders may be delivered to one or more of such persons, as may be most convenient.

41.—*Servant may be Ordered to Appear before the Magistrate on Suspicion.*—[It shall be lawful for the master of any servant if he shall have reasonable and probable cause to suspect such servant of having committed any offence against this Act to order and require such servant forthwith to proceed in his company before the Magistrate to answer a charge of having committed such offence; and any servant who shall neglect or refuse to obey any such order may be arrested by his master without warrant and conveyed in custody before the Magistrate.

Provided that no servant shall be bound or obliged to obey such order as aforesaid, unless or until he shall be informed of the nature of the charge his master intends to prefer against him.]

42.—*Failure by Complaining Servant to Appear at Court.*—Should

any servant who shall have complained against his master for or on account of any offence against any of the provisions of this Act, fail to appear at the time fixed by the Magistrate for the appearance of the defendant, then and there to prosecute his complaint, the Magistrate may, unless satisfied that such complainant had a good and sufficient reason for failing to appear at such time, ascertain in the manner in the fortieth section mentioned the expenses and costs which the defendant has reasonably incurred in appearing to answer such complaint, and he shall in the manner in the fortieth section mentioned, and after due notice to the complainant, order the payment by the complainant of such costs and expenses; and if, on the presentation to him of the order therein mentioned by the person in whose favour it is made, such complainant shall refuse or neglect to comply therewith, he shall incur and be liable to the same fine, in default of payment thereof to the same punishment as is fixed in the fortieth section: Provided that one such order may include the expenses of all or any of the persons whose expenses are to be paid, or separate orders may be delivered to one or more of such persons, as may be convenient.

43.—*Merely Leaving to Complain not Unlawful Absence.*—No servant who shall leave the place of his service for the purpose merely of lodging any complaint which he may have against his master, after leave for that purpose shall have been unreasonably refused, shall by reason only of his so leaving be deemed to have deserted his master's service, or to have in any wise contravened this Act.

44.—[Servant summoned under one section may be convicted under another.]

45.—*Damage to Master's Property.*—As often as any property of the master shall be lost or damaged by means of any act or omission of his servant, which act or omission is by this Act declared to be an offence, it shall be lawful for the Magistrate, should he so think fit, and the master shall thereto agree, to ascertain whether such servant is able to make compensation for such loss or damage, and if so, to fix the amount of such compensation, and make such order as to the payment thereof, either at once or by instalments out of wages to be yet earned, or otherwise, as shall seem reasonable and just, and in the meantime, and until default made in such payment, or in the payment of some such instalment, to defer passing sentence upon the party offending; but such Magistrate shall preserve on record the evidence in the case, and, upon application of the master, and proof given, upon oath, of some such default as aforesaid, shall issue his warrant for the apprehension of such servant, and shall pronounce upon him such sentence as, regard being had to the circumstances of the original offence, and to the degree in which

such servant has made, or failed to make, the compensation ordered, shall appear equitable and just.

46.—[On conviction of servant Magistrate may cancel the contract of service.]

47.—[Cancellation of contract on conviction of master for assault.]

48.—*Punishment of Master for Unlawfully Detaining Servant's Cattle.*—As often as the master of any servant shall be convicted of the offence of having, either before or after the expiration of the contract of service upon demand made and without lawful cause, refuse to deliver or permit to be taken away any of such servant's cattle, sheep, goats or other animals, lawfully remaining or being upon such master's land without reasonable and probable cause for believing that the animals in question were lawfully detained, such master shall be fined any sum not exceeding £1 Sterling for every animal so unlawfully detained. [Total fine not to exceed £5. Rest of section deals with punishments, etc.]

49.—*Punishment for not Supplying Food, etc.*—As often as the master of any servant shall be convicted of the offence of failing upon demand to supply or deliver to such servant the food, bedding, or other articles stipulated for in any written contract of service, or of supplying or delivering food, bedding, or other articles not conformable to the said contract, he shall be liable to be fined any sum not exceeding £5, and in default of payment liable to imprisonment for any period not exceeding one month.

50.—*Punishment for Withholding Wages.*—As often as the master of any servant shall be convicted of the offence of withholding the wages of such servant without reasonable and probable cause for believing that the wages so withheld were not really due he shall be fined any sum up to £5, and in default of payment shall be imprisoned up to one month.

51.—*Magistrate may in certain cases Cancel Contract.*—As often as it shall be made to appear to the Magistrate in any case instituted by any master against his servant, or by any servant against his master, that the contract of service has not been faithfully and fairly performed by the respective parties thereto, or either of them, the Magistrate may, should he think fit, at the instance of either of the parties, order the cancellation of such contract of service, and the same shall be cancelled accordingly.

52.—*Process of Court without Fees.*—As often as any master shall complain against his servant or any servant shall complain against his master, for or on account of any offence against the provisions of this Act, the process of the Court of the Magistrate for compelling the attendance of the party accused, and of all necessary witnesses shall be instituted at the public charge and without any fees of Court: Provided always, that

if at the trial the charge shall appear to have been brought without reasonable or probable cause, the party complaining shall be liable to a fine not exceeding Five Pounds, and also to defray the costs of process and of the witnesses in the case; and in default of payment of such fine and costs, shall be liable to be imprisoned for any period not exceeding one month: Provided also that such fine may be imposed upon the occasion of such trial, and without any fresh action or proceeding for the recovery thereof.

54.—[Prosecution of persons employed on public works.]

58.—*Prosecution by Servant not Barred by Minority.*—The minority of a Native servant shall not bar the prosecution of any claim by such Native against the master without the intervention of a guardian.

[Dated 30th July, 1894.]

*Schedule.**

Form of Contract of Service.

Be it remembered, that on this day of in the year of our Lord A. B. of and C. D. of appeared before me, E. F. (Magistrate or Justice of the Peace), and in my presence, signed their names (or made their marks, as the case may be) to the following contract of service: The said A. B. agrees to hire the services of the said C. D., and the said C. D. agrees to render to the said A. B. his services at all fair and reasonable times, and in the capacity of for commencing on the day of instant, and terminating on the day of in the year And it is further agreed that the said A. B. shall pay to the said C. D., as such servant as aforesaid, wages after the rate of by the day (week, month, or year, as the case may be), and that such wages shall be paid monthly (or as the case may be).

(Here add any special agreement compatible with the law, and not adverted to in this form.)

(Signed) A. B.
C. D.

The preceding agreement was signed by the above-named parties in my presence, on the day and year above written, voluntarily, the same being, as far as I am able to judge, understood by them respectively.

(Signed) E. F.,
Magistrate,
(or Justice of the Peace).

ACT No. 49, 1901.

"To Facilitate the Identification of Native Servants."

2.—*Interpretation of Terms.*—In this Act:—

"Servant" shall mean any Native employed for hire, wages, or other remuneration to perform any handicraft or engage in any bodily labour in agriculture or manufactures or otherwise, or in domestic service, or as a boatman, porter, miner, driver, herd, or other occupation of a like nature.

*Referred to in Section 9 of the foregoing Act.

“Master” shall mean any person employing for hire, wages, or other remuneration any Native servant. For the purposes of this Act the word “Master” shall mean and include any body corporate, company, society, or individual.

“Service,” “Contract of Service,” and the like expressions shall be understood in reference to the foregoing definitions.

3.—*Exclusion of Natives Rendering Farm Service in lieu of Rent.*—

This Act is not to apply to Natives rendering service to a landlord in lieu of rent, when such service is rendered upon the farm on which the Natives live, nor to any other service performed on the land on which they live.*

4.—*Pass under Law 48, 1884, to Suffice for Purposes of this Act.*—

A pass granted to any Native under Law No. 48, 1884, or under any Law or Act for regulating the introduction of labourers into Natal, shall be a sufficient identification pass for all the purposes of this Act, for so long as such remains in force.

5.—*Obligation upon Natives to obtain Pass before taking Service.*—

No Native shall after the commencement of this Act enter into a contract of service, or offer himself for engagement as a servant in this Colony, or (save as is hereinafter excepted) continue in any employ as a servant, or be registered as a togt labourer, or under Law No. 21, 1888, unless he shall have obtained the pass provided for in this Act, and every person intending to engage a Native as a servant shall first require the Native to produce his pass.

Such pass is in this Act referred to as an identification pass.

6.—*Temporary Passes.*—Any Native who is in service at the date of the commencement of this Act, or who, during a term of service, loses his identification pass, may obtain a temporary pass, as hereinafter described, from the office of the Magistrate of the Division where he is employed.

7.—*Pass Officers.*—One of the officers attached to each Magistrate’s office in the Colony shall be appointed by Government as a Pass Officer for the purpose of signing and issuing identification passes and temporary passes. In his absence, or if he be prevented from attending, any other officer of the Department may, with the Magistrate’s written approval, sign and issue such passes on his behalf.

8.—*Attendance of Pass Officer.*—The officer shall attend daily during the ordinary office hours to receive applications for passes.

9.—*Application for Pass.*—For the purpose of obtaining an identification pass a Native shall attend before a Pass Officer of the Division in which he resides, and shall furnish to the Pass Officer the particulars necessary to be entered in the register.

* See Sec. 4 of Act No. 3, 1904, *post*.

10.—*Enquiry and Decision.*—Before granting an identification pass or temporary pass the Pass Officer shall in every case satisfy himself so far as the circumstances seem to require that the application is proper, and may in his discretion withhold the issue of a pass until he is satisfied that it ought to be granted. In case of doubt the officer may require the Native to be accompanied by his kraal head, or by some accepted person, to testify to his identity, and the correctness of the information given.

No such pass shall be granted if the Pass Officer is satisfied that the applicant is already under a contract of service.

The Secretary of Native Affairs shall have full authority and discretion in any case to order that an identification pass shall be granted or refused.*

11.—*Women and Children.*—The Pass Officer shall not issue a pass to any woman, or to any female child, or to any male child appearing to him to be under the age of fifteen years, without the consent of the husband, parent, or guardian, as the case may be.

12.—*Identification Passes — Particulars of.* — Identification passes with their counterfoils shall be printed on durable material, and bound in books.

They shall be numbered consecutively year by year, and the register thereof shall be kept in such manner as may be prescribed by the Secretary for Native Affairs.

Every Native to whom the identification pass is issued shall keep it always in his possession, and shall exhibit it whenever called upon to do so by his master, or by a police officer or constable.

Every master employing a Native servant, other than a registered togt labourer, shall keep a labour book, in which he shall copy the identification pass of every Native whom he may employ.

The master shall on no pretext keep a servant's identification pass, unless with the consent of the Native.

13.—*Employment of Servant not having Identification Pass an Offence.*—If any man employs a Native servant without such servant having produced his identification pass he shall be guilty of a contravention of this Act †

14.—*Form and Duration of Temporary Pass.*—A temporary pass shall in no case exceed six months, but it may be renewed upon the Pass Officer being satisfied that the former contract of service still subsists.

A temporary pass shall not be available for the purpose of any new contract of service.

*This last paragraph was added by Act No. 30, 1904.

† Amended Section (by Act No. 3, 1904.)

15.—*New Pass to Replace Lost Pass.*—A Native who has lost his identification pass may obtain a fresh pass from the office in which the former pass was issued, upon satisfying the Pass Officer of the fact, and upon payment of a fee of one shilling.

This payment shall not be required in the case of a temporary pass to take the place of an identification pass lost during service.

16.—*Change of Residence.*—If any Native who has obtained an identification pass in one Magisterial Division shall change his residence to another Division he shall present his pass to the Pass Officer of the Division into which he has removed. The Pass Officer shall record the pass, and inform the officer by whom the pass was issued, who shall record the change of residence.

17.—*Record by Pass Officer of Convictions of Certain Crimes.*—If a Native who is in service is convicted of any of the crimes to which this section applies, the Clerk or Registrar of the Court shall, as soon as conveniently may be, inform the Pass Officer by whom the pass was issued of the particulars of the conviction and sentence, and such officer shall record the same, and shall make a note thereof against the entry of registration.

This section shall apply to all crimes of the following classes or akin thereto: Theft, fraud, rape, and all crimes of indecency.

18.—*Rules.*—The Governor in Council may from time to time make rules for the purpose of carrying out the provisions of this Act, and for regulating any matters necessary for giving full and complete effect to the same. All such rules shall be published in the *Natal Government Gazette*.

19.—*Offence of being in Service without a Pass.*—Any Native who shall after the first day of January, 1902, enter into a contract of service, or be or continue to be in service without having an identification pass, as required by this Act, shall be guilty of a contravention of this Act.

20.—*Other Offences.*—The following shall also be contraventions of this Act:—

Making any false statement or pretence for the purpose of obtaining or assisting anyone to obtain an identification pass, or a duplicate or copy thereof.

Using a false pass, or one belonging to another person, for the purposes of deceit.

Using any deceit for the purpose of evading the provisions of this Act.

The withholding of a Native's identification pass.

21.—*Jurisdiction over Offences.*—All contraventions of this Act, or of any rules thereunder, shall be cognisable in the Courts of Magistrates,

and shall be punishable according to the ordinary criminal jurisdiction of the said Courts.

ACT No. 3, 1904.

“To amend Act No. 49, 1901, entitled Act ‘to facilitate the Identification of Native Servants.’”

1.—*Principal Act to Apply to Others as to Servants.*—Act No. 49, 1901, shall apply to Natives of the undermentioned classes in the same manner as to servants:—

Policemen,
Persons in service as messengers,
Natives engaged in washing and laundry work,
Jobbers,
Ricksha pullers.

2.—[Amendment of principal Act—which has been carried out.]

3.—[Amendment of principal Act—carried out.]

4.—*Issue of Passes to Native Tenants under Obligation to render Service in lieu of Rent.*—Notwithstanding the provisions of Section 3 of Act No. 49, 1901, in cases where a Native tenant has agreed with his landlord to render service to the landlord, it shall be lawful for either party to require the other, on reasonable notice, to attend, and he shall be bound to attend, before a Magistrate, and when the Magistrate shall have ascertained the agreement between the parties, he shall destroy any existing identification pass and issue to the Native a new identification pass, endorsing on such new pass the period during which the Native is to render service to the landlord, and during such period no person other than the landlord shall be entitled to hire the services of such Native. The appearance of the landlord before the Magistrate may be by himself or by an agent, or by delivery of the landlord's statement in writing of the terms and period on and during which the Native has agreed to render service. It shall be the duty of the Magistrate to satisfy himself that the Native agrees to the terms. Any notice under this section by a landlord to a Native shall not be taken to have been effectually given unless personally served or unless left at the kraal of such Native at a time when the Native is on the farm where his kraal is situated.

Whenever a Native shall cease to reside upon private land he shall, on giving satisfactory proof and on surrendering his endorsed pass to a Magistrate, be entitled to obtain a new identification pass, and whenever a Native shall move from the land of one private owner to another the Native appearing before the Magistrate with the new landlord shall,

upon the surrender of his existing pass, be entitled to the issue of a new pass with the endorsement of the period, if any, during which the Native is to render service to the landlord.

5.—*Repeal of Schedules.*—Schedules A and B of Act No. 49, 1901, and the references thereto in the Act, are hereby repealed. Passes shall be in such form as may be prescribed by rules.

6.—*Cancellation of Pass upon Conviction.*—Upon the conviction of any person for having obtained or used a pass in contravention of Act No. 49, 1901, the Magistrate may declare such to be null, and order it to be produced to him and cancelled.

7.—*Punishment for Contravention of Sections 2 and 4.*—If any person contravenes the provisions of Sections 2 or 4 hereof, he shall be liable to a fine not exceeding Five Pounds (£5) Sterling, failing payment of which he shall be liable to imprisonment for a period not exceeding one month, with or without hard labour.

8.—*Construction of Act.*—This Act and Act No. 49, 1901, shall be read and construed together as one Act.

[Dated 28th March, 1904.]

II.—TOUTS AND TOUTING.

ACT No. 46, 1901.

“To Repeal, and Re-enact with Amendments, the ‘Labour Tout Regulation Act, 1896.’”

Short Title: “The Touts Act, 1901.”

2.—(Act No. 36, 1896, repealed.)

4.—*Definition of “Tout.”*—The expression tout shall mean any person who shall, by himself or by any person employed by him, and whether in his own name or otherwise, procures or attempts to procure, seek for, or engage Natives in this Colony for service to be rendered to another person, or shall supply, or contract to supply, Natives to be employed in work of any kind.

Services shall be deemed to be rendered to another person if the Natives are employed in or about the business of another person, whether or no any agreement may have been made under which the Natives are paid by the person who procured them, or are regarded as being his servants, and notwithstanding any other agreement which may be made with a view to avoiding the effect of this section.

5.—*Employees in Touting Business also deemed Touts.*—Any person employed to procure, seek for, or engage Natives shall also be deemed to be a tout. Nevertheless, if any person charged with touting without a license shall satisfy the Court that he was merely incidentally employed

to engage servants for domestic, farm, or other personal service for his employer, and not in any way making a business of procuring Natives or acting for or in the business of a tout, he shall be acquitted.

6.—[Repealed by Act No. 1, 1908.]*

7.—*Annual License*.—Every tout shall take out an annual license from the Magistrate of the Division in which he intends to procure, engage, or seek for labourers and servants, and this license has neither effect or validity outside the Magisterial Division in which it is granted.

8.—*Discretion in Issue of License*.—Such licenses shall be issued only to persons approved by the Magistrate, who may refuse to issue any license.

9.—*Appeal against Refusal*.—Any person who is refused a license may appeal to the Secretary for Native Affairs, who may direct the Magistrate to issue a license or uphold the refusal to grant the license, without being required to give any reasons for his decision.

10.—*License Fee*.—The charge for every such license shall be Five Pounds Sterling for each year, or portion of a year, ending on the 31st day of December.

11.—*License not Transferable*.—No such license shall be transferable.

12.—(Every contract made with Natives by a tout or labour agent to cease on entry of Natives into service.)

13.—(Employees of Natives supplied by touts to such Natives registered by a Magistrate or Justice of the Peace. Penalty for non-compliance with this Section is £5.)

15.—*Unlicensed Touting*.—Whoever shall procure, or attempt to procure, apply, or seek for Natives, or otherwise act as a tout within the meaning of this Act, without being provided with a license, shall on conviction thereof be liable for every such offence to pay a fine not exceeding £25 sterling, or in default imprisonment with or without hard labour not exceeding six months.

16.—*Permission Required before Entry on any Land for Touting*.—No tout or labour agent shall enter any private or Crown Lands or Native Location, without having first obtained the consent of the resident owner, or in case of non-resident owner of his agent, or in case of Crown Lands and Locations, the consent of the Magistrate.

Any person contravening this section shall be liable to a fine not exceeding £20 Sterling or imprisonment, with or without hard labour, not exceeding three months.

17.—*Enticing Servants from their Employment*.—Whoever shall, whether licensed as a tout or not, directly or indirectly, either by himself or by an agent, by the offer of higher wages or greater benefits, or by

*See Secs. 3 and of Act No. 1, 1908, *post*.

any other means, cause, induce, or persuade (or attempt to do so, or aid or assist to do so) any servant by words or by any other means to leave his service, or to violate any agreement of service, in writing or not, whether such service is actually being performed or has to be performed at some future time, shall, on conviction thereof, be liable to a fine of £25 Sterling or imprisonment not exceeding six months, and forfeiture of any license held under this Act. In case of a contravention of this section by any person acting in the employ of a tout, such tout shall also be deemed guilty of such contravention, and all persons so liable may be prosecuted together or separately.

It shall not be a defence to any charge under this section that the accused person did not know that the servant or apprentice was in the employment or agreement of service.

18.—*Harbouring Deserting Servants or Apprentices.*—Every person who shall conceal, employ, or retain, or counsel, aid, or abet in concealing, employing, or retaining any servant or apprentice who shall have deserted from the service of any master, or otherwise absconded or absented himself from such service, shall on conviction pay a fine not exceeding £25 Sterling, or, in default, imprisonment up to six months, with or without hard labour, and, if licensed under this Act, to forfeiture of license.

19.—*Penalty for not Exhibiting License.*—If any licensed tout shall on demand at any time by any Magistrate, Justice of the Peace, constable or officer of the law, refuse to produce or to show his license, he shall, on conviction, be liable to a fine of Five Pounds Sterling or to be imprisoned for any term not exceeding three months.

20.—*Act not to be bar of other Remedies.*—This Act shall not exempt any person from any action, suit, or other proceeding which might, but for the provisions of this Act, be brought against him.

21.—*Exemption of Persons in Service of Crown.*—Nothing in this Act shall apply to any person who as regards any of the matters referred to in this Act, is engaged solely by and in the immediate service of His Majesty's Imperial or Colonial Government.

ACT No. 1, 1908.

"To Amend the Touts Act, 1901."

1.—*Interpretation of Terms.*—In this Act—

- (a) The words "*labour agent*" shall mean and include any person who engages, procures, solicits, or recruits Natives under a "Special License," under the provisions of this Act, for services to be rendered outside the Colony.

- (b) The word “servant,” “tout,” or “runner” shall mean and include any person touting, procuring, seeking or soliciting or recruiting Natives for any labour agent.

2.—*Repeal*.—Section 6 of the Touts Act, No. 46, 1901, is hereby repealed.

3.—*Prohibition of Touting for Service Outside Natal*.—No person shall except under the provisions of this Act

- (a) Tout for or recruit or engage a Native for any services to be performed outside this Colony;
- (b) Take out of this Colony or directly or indirectly induce a Native to leave this Colony for the purpose of performing any service outside the Colony.

This section shall not apply to a person taking out of the Colony a Native, who is actually in his service at the time, for the purpose of performing domestic or farm work out of the Colony for such person, the *onus probandi* whereof shall be on such person.

4.—*Special License*.—Any labour agent who may desire to tout for and engage Natives for services to be performed outside this Colony may, upon application to the Minister for Native Affairs, obtain a “special license.” The granting or refusing of such license shall be in the sole discretion of the Minister.

5.—*Requisite Age of Native*.—No Native shall be touted for, engaged or recruited who is not of an age to subject him to the payment of the Poll Tax or Hut Tax.

6.—*Scope of License*.—No license under this Act shall be granted except in reference to Native Locations, Native and Mission Reserves, and unalienated Crown Lands: Provided that a license may be granted for recruiting on a private farm if the owner in writing signifies his consent thereto.

7.—*License Subject to Regulations*.—A license issued by the Minister for Native Affairs under this Act shall be endorsed “Special License,” and shall be subject to such rules and regulations as may hereafter be provided under the authority of this Act.

8.—*Charge—License not Transferable*.—The charge for every “Special License” shall be Fifty Pounds (£50) for each year or portion of a year ending 31st December. Such license, which shall not be transferable, shall enable the holder to engage, procure, solicit, or recruit Natives in all the places mentioned in Clause 6 hereof, but not elsewhere.

9.—*Residents in Natal only Eligible for License*.—No person shall be eligible for a license as a labour agent or tout or servant or runner unless he be a *bona fide* resident in Natal.

10.—*License for Servants, etc.*—If any such labour agent or person shall desire to engage for the conduct of his business other persons as servants, touts or runners, he may obtain from any Magistrate in the area or areas covered by the “Special License” held by him, a license for such servant, tout or runner. For every such license there shall be payable a registration fee of Three Pounds (£3) per annum, and it shall be a condition of the licensing of such servant, tout or runner, that he shall wear a conspicuous badge on his arm at all times when engaged in such duties, and such badge shall have stamped thereon the initials of the employer. Every such servant, tout or runner, shall be confined in his operations to the area covered by the license issued to his employer. Should such servant, tout or runner be other than a Native, he shall be exempted from the necessity of wearing a badge.

11.—*Conditions of License and Security.*—The Minister may in his sole and absolute discretion impose such conditions and restrictions as he may think fit before granting a license, and no such license shall be given unless the applicant shall first enter into a bond with two approved sureties in the sum of One Hundred Pounds (£100) each, and the applicant himself in One Hundred Pounds (£100) for the proper fulfilment of the conditions of his license and for the performance by his servants, touts, or runners of all obligations and conditions of such their service and for any penalty inflicted on them or any of them for the breach of such conditions. The Minister may at any time revoke and cancel any “Special License”; and notice in writing under his hand to that effect shall be final and conclusive.

12.—*Registration of Contract of Natives Procured for Service Outside Colony.*—No Native recruited under this Act shall be taken out of the Colony unless he shall have first gone before the Magistrate of his district and had registered the terms of the hiring contract and given the number of the identification pass of the Native, and such contract shall provide that the Natives shall receive month by month the wages earned by them without any deduction for advances made to such Natives by the said labour agent or otherwise: Provided always that in respect of any *bona-fide* cash advances made by the said agent to any such Natives provision may be made by which the repayment of such advances with interest not exceeding threepence in the £ per mensem or 15 per cent. per annum may be made by monthly instalments from the wages earned by such Natives.

13.—*Certain Contracts Illegal.*—Any contract by which a labour agent or other person takes servants out of the Colony and supplies such servants to employers of labour in any place outside the Colony at a

greater amount of wages than those agreed to be paid by such labour agent shall be and is hereby declared to be illegal.

14.—*Contraventions*.—Every person found guilty of a contravention of this Act, or of the regulations made thereunder, or of any conditions applicable to a special or other license, shall be liable, on conviction before a Magistrate, to a fine not exceeding One Hundred Pounds (£100), or, in default of payment thereof, to imprisonment not exceeding six months with or without hard labour.

Any offence committed under this Act shall be cognisable by the Magistrate in whose Division the offender may at any time be found.

15.—*Construction of Acts*.—This Act and the Touts Act, 1901, shall be read and construed together as one Act.

[Dated 20th Jan., 1908.]

Chapter X.

INDIAN LABOUR LAWS.

[LAWS.—Law 25, 1891 ; Act 1, 1900 ; Act 8, 1901 ; Act 39, 1905.]

There is a large body of Laws dealing with Indian labour and its importation into Natal, but the four Laws above noted are the only ones which I have considered of sufficient general interest to farmers to deal with here. The first of these (Law 25, 1891) deals with the treatment of immigrants, and prescribes punishment for misconduct. Act 1 of 1900 empowers to the Protector to cause an immigrant who has come to lay complaint to be taken back to his employer, and prescribes punishment for refusal to obey the Protector's orders in this regard. Act No. 39 of 1905 deals with the employment of unlicensed Indian immigrants; and Act No. 8 of 1901 extends certain Laws and Acts relating to Indian immigrants to Zululand.

LAW No. 25, 1891.

“To Amend and Consolidate the Laws relating to the Introduction of Indian Immigrants into the Colony of Natal, and to the Regulation and Government of such Indian Immigrants.”

(Amended by Act No. 17 of 1895, Act No. 27 of 1895, Act No. 21 of 1897, and Act No. 1 of 1900.)

2.—*Appointment of Protector of Indian Immigrants.*—The Governor may from time to time appoint some fit and proper person to be Protector of Indian Immigrants, also an Assistant Protector, and may also appoint a Deputy Protector.

10.—*Engagement to be Entered into by Immigrant in India.*—Every Indian immigrant leaving India to come to Natal for hire shall, before leaving India, either be engaged to an employer named in his contract or shall be taken as bound to serve any employer to whom he shall be allotted by the Protector on his arrival.

11.—*Period of Service.*—The period of service shall in each case be for five years.

24.—*Days and Hours of Labour.*—Every such Indian immigrant whose services shall be so assigned or transferred, in the absence of express agreement to the contrary, shall be bound to work for such person

to whom his services may have been assigned for nine hours of each day, Sundays, Good Friday, Christmas Day and New Year's Day only excepted.

25.—*Immunity of Field Labourers from Work on Sundays save in Cases of Necessity.*—No Indian immigrant engaged for field labour shall be compelled to perform any work on any Sunday or holiday save only such as shall be of immediate necessity for the care and feeding of animals, cleanliness of yards, stables, buildings, etc., etc., and other work indispensable for the preservation of the property of his employer. Such work shall not be of more than two hours' duration nor be continued after the hour of eight in the morning.

30.—*Absence Without Leave: Liability of Arrest.*—It shall be lawful for every person entitled to the services of any Indian immigrant, or for any servant of such person, or for any constable, to apprehend without a warrant such immigrant being found at a distance of more than one mile from the residence of the person in respect to whom his services shall be due without a written ticket of leave signed by the master or some person duly authorised by him, and to cause such immigrant to be taken back to such residence: Provided that every Indian immigrant shall be free from such arrest if, when so found, he shall be on his way to lodge any complaint before the Protector of Indian Immigrants or Magistrate of the Division wherein his place of service is situated.

31.—*Immigrant may be Stopped and Required to Produce Certificate of Discharge or Pass, and in Default brought before the Magistrate.*—It shall be lawful for the Protector of Indian Immigrants, or Magistrate, Justice of the Peace, or Police Constable, to stop any Indian immigrant whenever he may find him, and also for the owner or occupier or his servant to stop any such immigrant, and if such immigrant shall fail to produce his certificate of discharge, or a pass signed by his master or some person authorised by him, save in exceptional cases, as provided in Section 30, to take such immigrant forthwith before the nearest Magistrate, who shall at once inquire into the case. Unless such immigrant shall satisfy the Magistrate that he has obtained his discharge, or is absent from his master's estate with leave, in writing. Penalty for first offence fine not exceeding Ten Shillings or seven days' imprisonment, with hard labour, for second offence imprisonment not exceeding fourteen days, with hard labour, and for subsequent offences imprisonment, with hard labour, not exceeding thirty days.

The Magistrate who convicts shall inform the master or employer of immigrant so convicted of the conviction, and on expiration of imprisonment shall return the immigrant to his master or employer.

34.—*Justifiable Absence.*—Every immigrant during absence from work by reason of sickness or bodily infirmity shall be supplied by his

employer with food, shelter, and medicine, but shall be liable to deduction of fourpence a day from his wages.

35.—*Punishment for Absence Without Leave, Neglect of Work, or Disobedience.*—Any Indian immigrant who being in good health and able to work shall absent from muster or roll call without leave, or who shall neglect to perform any work which his employer or person duly authorised by him may reasonably order him to perform, or who shall, without just cause, wilfully disobey the orders of his employer, shall be deemed guilty of misconduct, and shall be punishable by the Magistrate of the Division wherein his place of service is situated by imprisonment, with or without hard labour, for any period of seven days for the first offence, for fourteen days for second offence, for thirty days for subsequent offence, with spare diet if the Magistrate shall so adjudge.

36.—*Punishment for Gross Insolence, Fraud, or Damage to Employer's Property.*—Any Indian immigrant who shall be grossly insolent to his employer, or who shall practise any fraud or deception in the performance of any work which he is bound to perform, or who by negligence or other improper conduct lose, throw away, or damage the property of his employer, shall be punishable by the Magistrate by a fine not exceeding Five Pounds, or by imprisonment, with hard labour, up to thirty days.

37.—*Punishment for Second Offence, or for Careless Use of Fire, Cruelty to Stock, &c.*—Any Indian immigrant who may be found guilty a second time of any offence specified in the foregoing section, or who shall endanger the property of his employer by the careless use of fire or who shall wilfully maim, wound, or cruelly ill-use any live stock or cattle, or who shall by negligence suffer any stock to be maimed or wounded, shall be punished on conviction before a Magistrate with hard labour up to three months and spare diet: Provided that this does not debar a prosecution in the Supreme or Circuit Court under the Common Law of the Colony.

38.—*Immigrants found on Premises without a Pass.*—Any person on whose premises any assigned immigrant may be found without a pass may send information to the Protector, Deputy Protector, or nearest Magistrate or Resident Magistrate, who shall have such Indian arrested and brought before him to be dealt with according to the provisions of this Law.

56.—*Immigrants Showing Unwillingness to go to Hospital.*—If an indentured Indian immigrant who is affected with any venereal disease shall not willingly go to hospital, he may be arrested and detained in custody, and taken before the Magistrate of the Division as soon as possible.

59.—*Exemption of Immigrants from Debts, etc.*—No Indian immigrant shall be at any time liable to any action at law for the recovery of debt during the time of indenture, and no Indian immigrant whilst under indenture shall be liable to imprisonment for debt, nor can any creditor lawfully attach wages, or levy on goods during the continuance of such indenture, any Law to the contrary notwithstanding.

85.—*Punishment for Adultery, Seduction or Abduction.*—Any Indian immigrant who shall commit adultery with the wife of any immigrant, married under this Law, or who shall cohabit with any unmarried Indian immigrant girl under 13 years of age, or who shall entice or abduct her from the custody of her parents or lawful guardians, shall upon conviction be liable to a fine not exceeding £10, or imprisonment up to 30 days, or to fine and imprisonment.

87.—*Punishment for Offences by Wife or Unmarried Girl.*—It shall be lawful for the Magistrate to order and adjudge a wife so committing adultery, or an unmarried girl under 13 years of age so cohabiting or eloping without the consent of her parents or guardians, to imprisonment, with or without hard labour, for any period not exceeding 30 days.

90.—*Immigrants not to Leave Colony without License.*—It shall not be lawful for any Indian immigrant introduced into the Colony at expense of the Indian Trust Board to depart from the Colony without a license in writing signed by the Protector of Immigrants.

94.—*Punishment for Employer's Neglect.*—Every employer who shall neglect to supply proper medicine or nourishment to any immigrant when sick, or who shall ill-treat any immigrant or fail or neglect to supply him with food or pay his wages shall on conviction be fined £10 Sterling for every offence, or in default may be imprisoned for 30 days.

95.—*Punishment for Obstructing Protector.*—Every person who shall obstruct the Protector of Indian Immigrants or other person duly authorised, shall wilfully do any act to prevent or obstruct an inspection of the state and condition of any Indian immigrant, shall be liable to a fine of £10 and imprisonment up to 30 days.

97.—*Harbouring Indian Immigrants.*—If any person shall harbour or receive into his employment any Indian immigrant to whose service any other person may be entitled, such person shall, upon conviction, forfeit the sum of £10, or be liable to imprisonment for a term not exceeding three months.*

98.—*Penalties for Harbouring.***—Any person who shall harbour or receive into his employ any Indian immigrant, male or female, whose indenture has not expired, or who may have been assigned to any other

* See Act No. 3, 1907, *post*.

**“Harbouring” applies to a person allowing an immigrant to live on the premises, though not employing him. Roberts, Protector of Immigrants. 6 N.L.R. 37.

person, shall be liable to the penalties in Section 97, unless such immigrant shall have been duly assigned to such person by the Protector of Indian Immigrants. That half the penalty of £10 be awarded the informer; and that nothing in this clause shall apply to any Indian, male or female, who has a proper pass, the period of leave in which is then unexpired.

Section 100.—Punishment for Sending or Taking Immigrants out of the Colony, etc.—Any person who shall send or take out of the Colony, or endeavour to send or take out of the Colony, or induce to leave the Colony, or harbour or receive with the intention of taking out of the Colony, any Indian immigrant whose name shall appear in the register, and who shall not have obtained a license from the Indian Immigration Trust Board to depart from the Colony, shall upon conviction, pay the sum of £20 for each and every such Indian, and in default, may be imprisoned, with or without hard labour, for any term not exceeding three months.

101.—Punishment for Large Number of Immigrants Absenting Themselves to make Complaints.—When all or a large number of Indian immigrants shall absent themselves from their employment without leave, for the purpose or pretence of making any complaint against their employer, such Indians, or any number of them, shall be liable to be brought before any Court, and on conviction punished by fine not exceeding £2, or to imprisonment not exceeding two months, with or without hard labour, whether such complaint shall not be adjudged to be groundless or frivolous, and notwithstanding that such complaint may be successful.

102.—Punishment for False Pretences as to Completion of Residence, etc.—Any Indian immigrant who shall falsely and fraudulently pretend that he has completed a residence of ten years in the Colony, or who shall use as his own any certificate of residence or discharge belonging to any other immigrant, or who shall lend or pledge same, or wilfully counterfeit or alter any such certificate, shall, on conviction before any Court, be imprisoned, with or without hard labour, for terms not exceeding three calendar months.

103.—Cleanliness of Dwelling Places.—Any Indian immigrant who shall keep his dwelling-house or premises in such a condition as to be a nuisance, and injurious to health, shall be liable to a fine not exceeding £5, or imprisonment, with or without hard labour, not exceeding one month.

104.—Prosecutions for Harboursing.—All prosecutions for harbouring Indian immigrants shall be made at the instance of the employer entitled to the service of such immigrant.

106.—*Certificates of Discharge.*—Every immigrant who may have completed, or who may hereafter complete, the term of service under indenture, for which he was indentured on leaving India for this Colony, or whose indenture may have been or may hereafter be duly cancelled, shall be entitled to demand and receive from the Protector of Indian Immigrants, free of charge, a certificate of discharge from service, and the possession of such certificate shall release such immigrant from further service in this Colony under indenture. This does not apply to Indians introduced under indenture in pursuance of Act 17, 1895.

109.—*When Immigrants come under Master and Servants Law.*—Upon expiration of first five years after introduction into this Colony, every Indian immigrant who shall have served under contract of service shall be at liberty to hire and dispose of his services, and the Law for masters and servants shall apply to such Indians and their employers, save such Indians who shall elect to be re-indentured. This does not apply to Indians introduced in terms of Act 17, 1895.

118.—*What persons are included in the operation of this Law.*—The words "Indian immigrant" shall mean and include all Indians introduced from India to Natal under the laws regulating such introduction, and those descendants of such Indians who may be resident in Natal. From the operation of this Law are excluded those persons who are usually described in this Colony as "Asiatics," "Arabs," or "Arab traders," being persons who have not been introduced into this Colony under the Laws providing for the introduction of emigrants from India to Natal.

ACT No. 1, 1900.

2.—*Protector may cause Immigrant who has come to lay Complaint to be taken back to his Employer.*—It shall be lawful for the Protector, or in his absence the Assistant Protector, or any Magistrate, to cause any Indian immigrant who shall have made his complaint as provided in Section 30 of Law 25 of 1891 to be taken back to his employer by messenger, and the cost of such messenger shall in the first instance be paid by the employer, and shall be borne by the employer unless the Protector or Magistrate shall be of opinion that the complaint made was frivolous and unfounded, or otherwise that the Indian immigrant was not justified in leaving his employer's premises without permission, and shall then so inform the employer, in which case the employer is hereby authorised to deduct from the wages of the Indian immigrant the cost incurred in providing for his safe return to his employer as provided in Section 30 of Law 25 of 1891; and further the Indian immigrant shall be liable in such case to be punished for illegal absence as provided in Section 35 of Law 25 of 1891.

3.—*Immigrant Declining to Return, guilty of Offence.*—Should any Indian immigrant decline to return to his employer when so directed, as provided in the preceding section, he shall be deemed guilty of contravening Section 31 of Law 25 of 1891, and shall be dealt with accordingly, and every subsequent refusal shall render him liable to further punishment under the same section.

ACT No. 8, 1901.

“To extend the Law and Acts Relating to Indian Immigration to the Province of Zululand.”

1.—The Law and Acts enumerated in the Schedule to this Act shall extend to, and be of force in, the Province of Zululand, subject to the provisions of Section 7 of Act No. 17 of 1898.*

[The following are the Law and Acts enumerated in the Schedule above referred to:—Law No. 25, 1891; Act No. 36, 1894; Act No. 37, 1894; Act No. 17, 1895; Act No. 34, 1895; Act No. 7, 1896; Act No. 14, 1897; Act No. 28, 1897; Act No. 19, 1898; Act No. 21, 1898; and Act No. 1, 1900.]

ACT No. 39, 1905.

“To amend Act No. 17, 1895, entitled Act ‘To amend the Indian Immigration Law of 1891.’”

2.—*Employment of Unlicensed Indian Immigrants.*—No person shall employ, whether as a servant or as an employee in any other capacity, any Indian Immigrant who is required by Act No. 17, 1895, or by Act No. 2, 1903, to take out an annual pass or license to remain in the Colony, unless such Indian shall first produce to him the pass or license then current, nor shall he retain such Indian as an employee in any year thereafter unless such pass or license shall have been taken out before the 15th day of July in each year.

*Act “to apply certain of the Laws of the Colony of Natal to the Province of Zululand, and to amend and declare the construction of the Laws heretofore in force in the said Province.” Section 7 provides that nothing contained in any of the Laws or Acts which are by this Act (17 of 1898) extended to Zululand shall be deemed to have the effect of extending the jurisdiction of the Supreme Court of Natal to Zululand until a special Act for that purpose has been passed by Parliament.

3.—*Penalty.*—Any person contravening this Act shall be liable, for every month or part of a month in which he shall have unlawfully employed an Indian Immigrant, to a fine not exceeding Five Pounds (£5) Sterling.

4.—*Contracts in Contravention of this Act Invalid.*—No person shall have the right to enforce at Law any contract of service made or continued in disregard to this Act, or to charge the Indian so employed with any offence under the Law relating to masters and servants.

5.—*Payment of Fee by Employer.*—An employer may himself pay the fee due for a pass or license under Act No. 17, 1895, or under Act No. 2, 1903, for an Indian immigrant employed by him, and may deduct the amount so paid from the wages of the Indian.

[Dated 2nd Dec., 1905.]

Chapter XI.

NATIVES—MISCELLANEOUS MATTERS.

[LAWS, ETC.—*Native Gatherings*: Regulations under Act 5, 1898. *Loans to Natives*: Act 41, 1908.]

The regulation of Native beer-drinks and gatherings is provided for by Rules framed under Act No. 5 of 1898. Act No. 41 of 1908 deals with claims against Natives for interest, under which we find, *inter alia*, that, unless there is an instrument in writing, claims for interest are irrecoverable in a Court of Law; that documents must be signed by a Magistrate or Justice of the Peace; and that not more than 15 per cent. per annum is recoverable by Law in the way of interest. Reference should also be made to the note at the end of this chapter in regard to liquid documents of debt.

I.—NATIVE GATHERINGS.

NATIVE BEER DRINKS AND GATHERINGS.

Rules framed under Section 2, Act No. 5, 1898.

(Published under Government Notice No. 32, 1903.)

1.—*Prohibited Beer Drinks*.—The two following forms of beer drinking assemblies are prohibited:—

- (a) Where “Utywala” (Kafir beer) is retailed at so much per measure.
- (b) Where the assembly for drinking Utywala is commonly known as “Itimiti” or tea meeting, and where, on payment of a prescribed fee for admission, Utywala is supplied free of any further charge.

2.—*Interpretation of “Public Beer Drinks.”*—The two following forms of beer-drinking assemblies are declared to be public:—

- (a) Where an assembly at which Utywala or Ijiki is supplied by the host given to celebrate a marriage, the “Umgonqo,” “Ukomulisa,” “Icamba” bethrothals and other occasions of a like nature at which the Native public make it a practise and are allowed by custom to attend.
- (b) Where an assembly is held to entertain by the supply of such beverages Natives who have assisted and done work for the host in connection with ploughing, hoeing, etc., hut and kraal building, and the like.

3.—*Family Brew Private.*—The family brew, to which if any other persons but members and near relatives of the family are present, they are there by the personal invitation of the host or giver of beer, shall be regarded as a private beer-drinking assembly.

4.—*Sections of Different Tribes not to be Invited.*—Public and private beer-drinking assemblies shall not be made the occasion of inviting or giving an opportunity for the gathering of people of different tribes or sections of tribes between whom old animosities are likely to be aroused by the excitement which beer-drinking creates.

5.—*Host Responsible for Good Order.*—The host or giver of beer, whether chief, headman, kraal head, or other person, shall be held responsible for the good conduct and order of his guests and visitors, and such others as may partake of the beer.

6.—*Approval of Kraal Head Necessary.*—No inmate of a kraal may be the giver of beer, except with the approval of the kraal head, or in his absence, his representative, who will, on giving his approval, be so held responsible.

7.—*Sunday Prohibition.*—No public beer drinking party shall be held on a Sunday or public holiday.

8.—*Beer not to be Supplied to Intoxicated Person.*—Any person who supplies beer to a person already inebriated or excited from the effects of drinking beer at the same or other kraals on the same day, or who shall turn out or allow to depart from his kraal without a responsible companion or protection, any person who is under the influence of beer and unable to take care of himself, and should such person suffer injury in consequence thereof, shall be guilty of an offence.

9.—*Females Debarred.*—The attendance and participation in public beer-drinking parties (wedding parties alone excepted) of all females other than the hostess and of boys, "Abafana," is prohibited.

10.—*Guests must Leave at Sunset.*—All guests or visitors who attend a beer-drinking party must leave at sunset, and it shall be the duty of the kraal head, or, in his absence, his representative, to order them so to leave. Any person neglecting or refusing to leave when ordered to do so by such kraal head, etc., shall be guilty of an offence.

11.—*Allowing Females to Attend, an Offence.*—Any kraal head or other person who shall allow any female or females from any other kraal or kraals to attend at or participate in any beer-drinking party at his kraal shall be guilty of an offence.

12.—*Respect of Elders Enjoined.*—Young men who at a beer drink-party shall fail or neglect to recognise and to respect the superior position and rank of their elders, or the men present, shall be guilty of an offence.

Any young man who shall sit down to drink beer in the company of the men (amadoda) unless specially invited so to do by the principal man of the hut, with the approval of the other men present, shall be guilty of an offence.

13.—*Insulting Language an Offence.*—Any Native who shall in the course of a beer-drinking gathering make such insulting gestures or use such language as is calculated to or intended to provoke a breach of the peace shall be guilty of a contravention of these rules.

Any infringement of the provisions of this rule must be at once checked by the kraal head, and the offender or offenders reported to the nearest police station or office.

14.—*Chiefs must be Notified by Kraal Heads.*—Kraal heads shall notify to the chief, if residing in the same Division, or if not, then to the district headmen representing the chief, their intention to hold a public beer-drinking or other festive gathering where beer is given.

15.—*And by District Headmen.*—District headmen shall notify to their chief, if he resides within a reasonable distance, any such intention on their part, otherwise to the Magistrate.

16.—*Chiefs must Notify Magistrates.*—Chiefs shall give due notice to the Magistrate of any intention to hold such a gathering at their own kraals, when it is expected that there may be a large number of guests and visitors.

17.—*Notice does not Affect Responsibility.*—The notice to be given under these regulations by chiefs, district headmen, and kraal heads respectively shall in no sense be taken to reduce the responsibility attaching to the host or giver of the beer.

18.—*Consent of Owner on Private Lands Required.*—No public beer-drinking gathering shall be held on private lands occupied by a European landlord or tenant without his permission.

19.—*Definitions.*—"Kraal Head" denotes the head of a family, and the possessor of the kraal or kraals containing such family, either in his own right or by the right of guardianship. The term "kraal head" shall also include the heads of families living on mission stations or private lands, whether living in kraals or separate dwellings.

The word "kraal" denotes the domestic establishment and ordinary place of residence of Natives. It is subject to and under the control of a "kraal head," and may consist of one or more houses.

For the purposes of these regulations individual dwellings occupied by Natives on Mission Stations, or private lands, or elsewhere, are to be deemed kraals.

The word "inmates," when used in connection with a kraal, denotes the persons usually residing therein, and subject to the kraal head.

II.—LOANS TO NATIVES.

ACT No. 41, 1908.

“To Regulate Claims against Natives for Interest.”

1.—*Application of Act.*—The provisions of this Act shall apply to any transaction which, whatever its form may be, is substantially one of money-lending.

The word “*interest*” as used in this Act (except in Section 3) includes any charges made in respect of a loan.

Advances of money by an employer to be repaid by the labour of the Native to whom advances are made shall not be deemed to be a loan under the provisions of this Act.

Any reference in this Act to a loan or the like means the money lent without any additions whatever.

2.—*Loans Irrecoverable unless Contract in Writing.*—No judgment shall be given in any Court of Law against a Native for the recovery of a loan made after the commencement of this Act, or for interest on such loan, unless the contract has been reduced to writing in manner provided by this Act.

3.—*Execution of P.N.’s, etc., by Natives.*—Section 8 of Law No. 41 of 1887 is hereby repealed, without prejudice to its operation in regard to documents executed before the commencement of this Act.

The following requirements shall be observed in the execution of every promissory note or other document of debt or any renewal thereof made by a Native:—

- The net sum borrowed, the rate of interest, and any other charges, whether by way of commission or in any other manner, shall be separately stated, and the date of repayment shall also be specified in the body of the document;
- Before the document is signed by the Native there shall be endorsed thereon a statement signed by the lender that the actual sum lent and the other particulars contained in the document are truly set forth;
- The Native shall sign his name or make his mark in the presence of a Magistrate, or Justice of the Peace;
- The Magistrate or Justice of the Peace shall sign a certificate upon the document that the Native signed his name or made his mark in such officer’s presence after the same had been explained to him by the said Magistrate or Justice of the Peace. But a Magistrate or Justice of the Peace shall in no case attest a document in which the rate of interest, together with other charges, exceeds the rate of 15 per

cent. per annum: Provided, however, that the usual charges for preparing and registering any mortgage or notarial bond may be charged over and above interest at the said rate.

In the case of a bond or other document executed under a power of attorney, the requirements of this section shall be sufficiently complied with if they are observed in the execution of the power of attorney.

It shall be the duty of the Magistrate or Justice of the Peace in every case to satisfy himself that the document shows the real transaction between the parties. If he has reason to doubt that such is the case, or if the transaction is illegal, he shall not attest the document.

4.—*Interest Exceeding 15 per cent. not Recoverable.*—It shall not be competent for any Court of Law to adjudge a Native to pay interest in excess of 15 per cent. per annum upon any loan, but this section shall not apply to a loan made before the 1st September, 1908.

5.—*Illegality of Agreements Carrying Higher Interest than 15 per cent.*—If in any agreement made with a Native, whether before a Magistrate or Justice of the Peace or not, interest is agreed to be paid at a higher rate than 15 per cent. per annum on a loan, the agreement shall to that extent be illegal and void, notwithstanding the provisions of Law No. 6 of 1858, and any Native who shall have repaid the loan with interest in excess of the rate aforesaid, shall be entitled to sue for and recover whatever has been paid beyond the amount of the loan and interest at such rate as, after inquiring into the circumstances, the Court shall consider fair and reasonable; but no such suit shall be instituted more than two years after the payment has taken place, or in respect of any payment made before the promulgation of this Act.

6.—*Enquiries by Court.*—When any Native is sued for the recovery of a loan, or for the enforcement of an agreement or security in respect of a loan, it shall be the duty of the Court to make inquiries, and, if need be, to call any witnesses, in order to satisfy itself as to the actual amount of money lent, and the amount of interest or other charges in respect thereof.

7.—*Negotiation of Promissory Notes, etc.*—Every holder by assignment or otherwise of a promissory note or other document of debt executed by a Native shall be deemed to have taken the same, subject to the provisions of this Act, and without any other or greater rights against the Native than at the time when the document was executed belonged to the person in whose favour it was made.

8.—*Fraudulent Representations to Natives to be deemed Falsity.*—If any person shall, by any false or misleading representation or promise, or by any concealment of material facts, fraudulently induce any Native

to agree to the terms on which money is borrowed, or if the statement made by him as required by Section 3 is false in any material particular, or if the document of debt misrepresents the actual transaction between the parties, he shall be guilty of the crime of falsity, and shall not be entitled to recover the amount of money lent or interest thereon.

Any Native who knowingly makes a false statement to a Magistrate or Justice of the Peace regarding a document of debt to be attested by such Magistrate or Justice of the Peace under this Act, or regarding any matter connected with the loan referred to in such document, shall be guilty of the crime of falsity.

9.—*Rate of Interest on Sales.*—In any contract of sale to a Native no higher rate of interest shall be chargeable or recoverable than eight per cent. per annum on the purchase price or on the balance thereof which may at any time be outstanding.

10.—*Interest on Arrear Rents Illegal.*—It shall not be lawful for any landowner or lessor to charge any money by way of fine or interest in respect of the non-payment of any rent due by a Native to such landowner or lessor.

[Dated 13th Nov., 1908.]

REFERENCES IN OTHER LAWS.

NATIVES AND LIQUID DOCUMENTS OF DEBT.

Contracts of Natives founded on liquid documents of debt are dealt with in Section 8 of Law No. 44 of 1887 ("to amend 'The Native Administration Law, 1875'"); and as this Law is not included in the present Abstract, the section in question may usefully be quoted here. It reads as follows:—"That no judgment shall be given in any Court of Law against any Native founded on a promissory note, bill of exchange, or mortgage bond, or other liquid document of debt,* unless such promissory note, bill of exchange, mortgage bond, or other liquid document of debt, shall have endorsed thereon, or attached thereto, a certificate signed by a Resident Magistrate or a Justice of the Peace, to the effect that the Native sought to be charged thus signed his name or made his mark in the presence of a Resident Magistrate or of a Justice of the Peace after the same has been explained to him by the said Resident Magistrate or Justice of the Peace†: Provided that this clause shall not extend to any document signed before the passing of this Law."

*A certificate of sale and purchase of Crown Lands is not a "liquid document of debt" within the meaning of this Section. (*Surveyor-General v. Umhlugulu*, 14 N.L.R. 24.)

†If the explanation was made through an interpreter the certificate should state that it was done in the presence of the Magistrate or J.P. (*Francis v. Unojela*, 17 N.L.R. 9.)

Chapter XII.

STATE AID TO AGRICULTURE, AND LAND SETTLEMENT.

[LAWS.—Act 44, 1904 ; Act 27, 1907 ; Act 31, 1908 ; Act 27, 1907.]

Act No. 44 of 1904 is the leading Law providing for agricultural development. The salient features of this Act are the constitution of a Land Board; the purchase of lands by Government for the purposes of settlements, and the constitution of settlements; the formation of co-operative associations; and the provision of advances to settlers.

Under Act No. 23 of 1910 purchasers of Crown lands are enabled, on certain terms, to suspend payment of the instalments of the purchase price. Particulars of the conditions under which this may be done will be found set forth in Section 2 of the Act.

Act No. 27 of 1907 authorised the creation of a Land and Agricultural Loan Fund, for the assistance of persons engaged in agricultural and pastoral pursuits. This Fund is managed, under the Act, by a Board of Commissioners, who are empowered to make advances to farmers and landowners for the purposes of: (a) paying off existing liabilities; (b) effecting improvements, including water pumping and storing, irrigation, fencing, cleaning land for cultivation, planting of orchards, etc., farm buildings; and (c) for the purchase of live stock and plant. The security required is a first mortgage on the following classes of land not being within the limits of any borough or township, namely:—(a) Freehold land; (b) quit-rent land; (c) land held under agreement of purchase from the Crown; (d) land held under lease from the Crown; and (e) land held under private lease provided the landlord becomes a joint mortgagor. Except in certain cases the limit of advances that may be made is three-fifths of the value of the land as determined by the Board. The rate of interest is to be fixed by the Governor. There are two kinds of loans—one, for a limited period not exceeding five years; and the other (known as an instalment loan) for a period not exceeding 35 years—loans under this system are repayable by instalments.

Act 31 of 1908 imposes a cession fee upon cessions of unregistered Crown leases.

1.—AGRICULTURAL DEVELOPMENT (GENERAL).

ACT No. 44, 1904.

Short Title: "The Agricultural Development Act, 1904."*Part I.—Preliminary.*3.—*Interpretation of Terms.*—In this Act—

"Reside" means to have one's ordinary habitation on and to live upon the land not less than nine months in each year.

"Improvements" means fences, houses, farm buildings, roads, dams, reservoirs, wells, mills, wind-mills, permanent irrigation channels, water pipes, drains, dipping tanks, the improvement of pasture, planting of trees, increase of value effected by the application of approved manures, and any other works or things, which may include ploughing, tending to improve the agricultural or pastoral value of the land, which may by order of the Governor in Council be notified in the *Natal Government Gazette* as being added to the above list

"Crown Lands" means any unoccupied lands belonging to the Government of Natal, other than such as may be specially exempted from the operation of this Act by order of the Governor in Council.

"Private Lands" means lands not belonging to or occupied by His Majesty's Imperial or Colonial Government.

"Rural Lands" means lands outside the limits of a Borough or Statutory Township or of any Township or Village under any Law or Act relating to such, or of any village or any group of houses which in the opinion of the Minister is of an urban and not of a rural character.

"Owner" means the registered holder of land held under freehold or quit rent tenure, or the purchaser of Crown Lands to which title has not yet been given.

"The Minister" means the Minister having charge of the Department entrusted with the administration of this Act.

"Proper Officer" means the officer charged with the performance of a particular duty.

"Settler" includes a lessee of land under this Act, and his successors in title.

"Holding" includes a lease or allotment.

4.—*Application of Act.*—This Act shall apply only to rural lands.

SECTIONS 5—14 deal with the constitution of the Land Board.

SECTIONS 15—17 deal with regulations under the Act which the Governor is empowered to make.

18.—*Leases*.—All leases issued under this Act shall be in such form and shall contain such terms and conditions as may be prescribed by the regulations, including, in particular, reservations or servitudes regarding roads, railways, telegraphs, minerals, forests, water, and other matters of public utility.

19.—*Mortgages, etc.*—No settler, without the written permission of the Board, shall mortgage, charge, or otherwise encumber his holding, or any interest therein, and any attempted mortgage, charge, or encumbrance without such permission shall be null and void.

20.—*Security*.—All debts owed by a settler to Government in connection with this Act shall be a first charge upon his holding.

SECTIONS 21 and 22 deal with the powers of the Land Board.

23.—*Death of Settler*.—If a settler die, or be declared a lunatic, the conditions of his lease may be fulfilled by any member of his family, or by any other person approved by the proper officer. If no such person is forthcoming, the holding shall revert to the Crown, compensation being paid for the improvements, if any, to the representative of the settler.

24.—*Fences*.—The Fencing Law, 1887, shall be in force in every settlement made under this Act, but subject to any modifications which may be made by the regulations for the purpose of adapting it to the requirements of such settlements.

26.—*Age of Applicants*.—No person shall be allowed to select lands under this Act who shall not be at least twenty-one years of age, but lands may be selected on behalf of a person between the age of seventeen and twenty-one years, provided that provision is made for the proper occupation of lands on his behalf, and that security shall in such cases be required for the payments under any lease and for the fulfilment of its conditions.

27.—*Selection of Applicants*.—The regulations under this Act may prescribe any further or other conditions in regard to the selection of applicants or any requirements to be complied with by intending applicants, and may provide for the forfeiture of any rights by and for imposing liabilities upon persons who may make application or take up allotments in contravention or in fraud of the regulations or of this Act.

28.—*Area*.—No person already owning any rural land in Natal shall be allowed to acquire by lease or otherwise from the Crown any greater area of land than will, together with the land which he already owns, amount to the maximum area appointed by this Act for the classes of land so acquired. Grazing leases not being for a longer term than one year shall be excepted from this provision.

Part II.—Settlements on Private Lands.

29. If any available lands are considered suitable for settlement, the Minister shall submit a plan of the proposed settlement, together with an estimate of the cost, for approval by the Governor in Council.

30. Upon the approval of such plan by the Governor in Council, the Government shall have power to acquire the lands included therein by agreement with the owner.

31. The Board may, after any revision and final settlement of the plans of settlement, have the lands surveyed, sub-divided, and laid off in allotments, and may determine the values to be placed upon them and fix the rents to be charged.

32. The Board shall, as soon as the lands are ready to be thrown open, advertise them for selection, and shall receive and decide upon applications for allotments.

33. All lands to which this part of the Act applies shall be classed as under, and shall be divided into allotments as hereinafter provided for respective classes:—

First class: Lands suitable for special farming.

Second class: Lands suitable for mixed farming.

Third class: Lands suitable for pasture or tree planting.

34. Lands of the third class may be reserved for afforestation, or they may be surveyed into blocks not exceeding 2,000 acres each, to be let on pastoral residential leases on the following terms:—

The leases shall be for a term of thirty-three years, with the right to cultivate.

The lessee shall be required to make improvements to the value of three shillings per acre during the first six years, and to maintain the improvements throughout the term of the lease.

The leases shall be terminable summarily for non-payment of the rent or for the non-fulfilment of their conditions.

An allottee shall be entitled, on satisfying the Board that he has beneficially occupied the block held by him for a period of fifteen consecutive years, to a grant in freehold of the block so occupied, on such terms as to payment of purchase price as the Governor in Council may decide on the advice of the Land Board.*

35. At the expiry of the lease it may be renewed upon a revised rental, or the land may be resumed by the Government for tree-planting, or the land may be classed under the first class or second class, in which case the outgoing tenant shall have the right of selecting an allotment in the class in which the land has been ranked; in either case the outgoing tenant shall receive compensation for his improvements.

*This last clause was added by Act No. 8, 1927.

36. Lands of the second class shall be divided into agricultural allotments of from 250 to 500 acres, and shall be offered on lease for ninety-nine years, upon such terms and conditions as may be determined by the Governor in Council.

The allottees shall be required to reside on their allotments during nine months in each year, and to effect improvements in the first three years to the extent of five shillings per acre, and in the second three years to a further value of six shillings and eightpence per acre, and to maintain the improvements.

The lands shall be liable to be resumed by the Crown for non-payment of rent, or for the non-fulfilment of the conditions of occupation, and the lease of any land so resumed shall be sold by public auction, and the upset price shall be the amount due to the Government, with cost of proceedings added thereto; any balance above such amount shall be paid to the defaulting settler.

The allottee shall be entitled, on satisfying the Board that he has beneficially occupied the block held by him for a period of fifteen consecutive years, to a grant in freehold of the block so occupied, on such terms as to payment as the Governor in Council may decide on the advice of the Land Board.**

37. Lands of the first class may be divided into blocks for irrigation areas, small dairy, poultry, or bee farms, or the like, the cultivation of fruit, tobacco, fibre plants, essential oil plants, vegetables, or any other agricultural products of high market value.

38. The allotments shall be approximately upon the following scale:

Blocks intended for irrigation shall be divided into lots not to exceed 60 acres each, save where the quality of the soil renders some extension advisable.

Blocks not intended for irrigation shall be divided into lots not exceeding 250 acres.

Such lands may in the discretion of the Government be grouped round centres set apart for factory or township purposes.

39. Allotments of land of the first class shall be offered on lease upon terms as to rent and otherwise similar to those prescribed in respect to lands of the second class, save as is hereinafter specially provided.

In the case of lands planted and duly maintained as fruit farms, the Board may remit the rent for a period not exceeding three years.

40. The lessees shall in every case be required to reside on the land, and to make improvements to the value of ten shillings per acre in the first three years, and to the value of a further ten shillings in the next three years.

** This last was added by Act No. 28, 1907.

41. The Government may in their discretion reservê temporarily so much of the land round the factory or township centres as may in their opinion be requisite for grazing purposes, but this shall not be made to give to anyone rights of commonage, and the land may at any time be offered by the Government in allotments for settlement.

Part III.—Crown Lands.

42. Crown Lands coming within the category of first or second class lands may be dealt with as provided in the case of private lands under Part II. of this Act.

Part IV.—Provisions for Promoting the Success of Settlements.

43.—*Tramways.*—The Board may authorise the use of tramways upon any roads between settlements established under this Act and the neighbouring railway stations, towns, or ports.

44.—*Roads.*—The Board may, out of the funds placed at their disposal as hereinafter provided, make and maintain any local roads within a settlement, and may make, construct, and maintain, or authorise the use of, tramways upon any such roads.

45.—*Water Supply.*—The Board shall similarly have power to make water furrows and to take and lead water for the purpose of a settlement from any stream or river passing through or near it, and to regulate the flow and distribution thereof; and for that purpose they shall have the right to catch and collect water and to construct dams, weirs, and other works, at any part of such stream in or above the settlement, to enclose or fence in water or water works, and to convey water to and over any land in the settlement by furrows, pipes, or otherwise, with all such other powers as may be necessary for securing a sufficient supply of water.

46.—*Riparian Owners.*—Such powers shall not be exercised so as to deprive any person who is at the time of the formation of the settlement, or at the time of the commencement of any such works, a riparian owner of the water necessary for domestic use or for animal life, and, if the taking and using of any water shall injuriously affect any such riparian owner or any person who has up to the time of the taking of the water had a right to use the same, such person shall be entitled to compensation in terms of this Act.

47.—*Advances for Improvements.*—The Board may, upon the application of any settler within the first three years of his occupation of an allotment, advance him an amount not exceeding two-thirds of the assessed value of any improvements which may have been made by him on his land with the approval of the Board, and the amount of such advance

shall be a charge upon the land, and shall be repaid, with interest at four and a half per cent., by instalments to be added to the instalments otherwise payable by him.

48.—*Advances for Stock, etc.*—The Board may, upon the application of a settler, during the first year of his occupation, advance him an amount, not exceeding Sixty Pounds Sterling, for the purchase of live stock, implements, seed, manure, or food: Such advance shall be a charge upon the land, and shall be repayable, with interest at four and a half per cent., in three equal annual instalments.

49.—*Fraud.*—If any settler to whom an advance shall have been made as aforesaid shall apply the moneys to purposes other than those for which they were supplied, he shall be guilty of the crime of fraud.

50.—*Rates.*—The Board shall have power, under regulations to be made as hereinbefore provided, to levy and get in such rates as may be necessary for the maintenance and repair of roads, tramways, furrows, or any other works carried out for the public benefit of the settlement and for all current charges and costs of the settlement.

51. Such regulations may also determine the basis and mode of valuation for the purposes of the rates, and may make such exemptions as may from time to time be considered proper in the public interest of lands held and used for public purposes, or for purposes of a church, public institute, school, or hospital, or for charitable institutions.

52.—The Board may also make such annual or special charges as may be fixed by the regulations for the supply and use of water for domestic, industrial, and irrigation purposes respectively.

53. The Board may also under such regulations fix and levy charges for the use of tramways and public conveyances other than roads.

55.—*Sites for Public Purposes.*—Suitable sites shall be set apart for schools and for public purposes of a settlement.

56.—*Factories.*—The Board may, with the approval of the Governor in Council, assist agriculturalists in the establishment of factories or the like for the purpose of the manufacture of dairy or farming produce, such as butter, cheese, and tobacco, or the packing or preserving of fruit, or any other factories for the purpose of the better utilisation or marketing of raw produce.

57.—*Co-operative Associations.*—No scheme for any such undertaking shall be approved unless it is to be established and carried on by an association in the nature of what is known as a co-operative association, or until the constitution and articles of such association have been submitted to the Board and approved by them.

58.—The regulations under this Act may prescribe the conditions

necessary to be complied with before any association can receive the approval of the Board, whether in respect of its formation, membership or liabilities, the distribution of profits, or any other matters whatsoever relative to its constitution.

59. The assistance to be given by the Government shall be by way of a contribution towards the capital outlay, and such contributions shall be made upon such terms as to payment, repayment and otherwise as to the Board shall seem proper.

60.—The Governor in Council may at any time direct that the repayment of any part of such contribution shall be remitted.

61. All sums so contributed shall be a first charge preferred to all others whatsoever upon the lands leased to settlers who are members of the association, and also upon the factory and its buildings and machinery if situated upon land not belonging to the Crown.

62. The Governor may at any time, by proclamation, offer bonuses for the export of approved agricultural products. Such bonuses shall be paid from moneys provided for the purpose by Parliament.

Part V.—Loans and Advances.

[This Part empowers the Governor to borrow moneys not exceeding altogether One Million Sterling, and deals with financial matters generally in connection with this Act. The sections in this Part are not of sufficient general interest to warrant their reproduction here.]

[Dated 19th Aug., 1904.]

ACT No. 23, 1910.

“To enable Purchasers of Crown Lands to Suspend Payment of the Instalments of the Purchase Price upon Suitable Terms.”

1.—*Interpretation.*—The words “purchaser of Crown lands” and any like expression used in this Act means the lawful holder, under certificate of sale or cession thereof, or lands sold by the Government under the system of deferred title and payment of the price by annual instalments. References to purchase or sale include an allotment or other disposal of Crown lands under the said system.

2.—*Suspension of Instalments.*—The Surveyor-General shall, at any time after the payment of the first instalment, upon written application being made to him by a purchaser of Crown lands, grant to such applicant permission to suspend payment of the annual instalments of the purchase price, subject to the following exceptions and conditions:—

- (a) Application must be made before an instalment shall have been in arrear for three months, otherwise the Surveyor-General may, if he thinks proper, refuse to allow the suspension.

- ab) No such permission shall be granted unless the purchaser satisfies the Surveyor-General that he has fulfilled the requirements of his certificate of sale in regard to residence and occupation of the land.
- (c) A purchaser shall not be entitled as of right to obtain such permission after proceedings at Law have been commenced for enforcing any of the conditions of sale.
- (d) Every instalment so suspended shall carry interest at the rate of five per cent. per annum from the day on which it became due, and the interest shall be payable to the Surveyor-General yearly or half-yearly, as may be stated in the permission.
- (e) Upon any failure to pay interest the permission to suspend payments may be revoked, and thereupon the conditions of the certificate of sale in regard to the failure to pay instalments shall at once become enforceable as if no such permission had been given.
- (f) In no case shall the granting of permission to suspend instalments relieve the purchaser of any of the other obligations imposed by the certificate of sale, nor shall he have any claim to receive registered title to his land until he has paid all instalments and interest and has in every respect carried out the requirements of the certificate of sale.

Should the Government remit the condition of occupation for any period, the purchaser must, before receiving title, make up a further period of such occupation equal to that which has been remitted.

3.—*Existing Agreements for Suspension.*—Any arrangements made with the purchaser of Crown lands before the passing of this Act, under which he has been allowed to suspend payment of instalments, shall continue in the same way and subject to the like conditions as if the permission had been given under this Act.

4.—*Interest on Arrears prior to Suspension.*—If a purchaser of Crown Lands allows any instalments to be in arrear and unpaid for more than three months without having obtained permission for the suspension of payment, every such instalment shall carry interest at the rate of six per cent. per annum from the date of such instalment up to the time when permission to suspend payment is granted, and such interest shall be payable to the Surveyor-General at the end of every six months, beginning from the date of the instalment.

5.—*Compliance with Conditions of Sale.*—No purchaser shall be entitled to tender payment of any instalment or interest unless he produces the proper proof of compliance with the conditions of sale, nor shall he

be in any way relieved from any obligation or liability under the conditions of sale if payment should in any case be accepted while such conditions remain unsatisfied. In any case in which occupation must be such as constitutes a reasonably sufficient utilisation of the land, having regard to its extent and character, as well as to its situation and any natural circumstances affecting its use. In the case of land held by a European, occupation by Indians or Natives shall not be deemed to be occupation within the meaning of the certificate of sale.

II.—LOAN FUND.

ACT No. 27, 1907.

“To authorise the Government to Assist Persons Engaged in Agricultural and Pastoral Pursuits by Loans, and to Appoint a Board for the Management and Administration of a Fund created for that Purpose.”

Short Title: “The Land and Agricultural Loan Fund Act, 1907.”

1.—*Interpretation of Terms.*—In this Act, unless inconsistent with the context:

“*Board*” shall mean the Board of Commissioners appointed under this Act.

“*Commissioner*” shall mean every Commissioner appointed under this Act.

“*Governor*” shall mean the Governor with the advice of the Executive Council.

“*Manager*” shall mean Manager of Loans appointed under this Act, or any person lawfully acting in such capacity.

“*Immovable property*” shall mean all property regarded as such by law.

“*Treasurer*” shall mean the Treasurer of the Colony, or the person who is for the time being acting as such.

“*Regulations*” shall mean any regulation made by the Governor in accordance with this Act.

“*Prescribed*” means as prescribed by the regulations.

“*The Fund*” shall mean the Land and Agricultural Loan Fund created under this Act.

2.—*Establishment of a Land and Agricultural Loan Fund.*—There shall be established in this Colony a Land and Agricultural Loan Fund, administered and managed as hereinafter provided for promoting the occupation, cultivation, and improvement of the agricultural and pastoral lands of the Colony, subject to the provisions of this Act.

14.—*Advances: To Whom and for What.*—Advances may be made by the Board to farmers and landowners for all or any of the following purposes:—

- (a) To pay off existing liabilities.
- (b) To effect improvements, including:
 - 1. Water pumping, storing, irrigation.
 - 2. Fencing.
 - 3. For clearing land for cultivation.
 - 4. Planting of orchards and such like.
 - 5. Farm buildings.
- (c) For purchase of live stock and plant.

Provided, however, that no advances shall be made to any person who is a member of the Legislative Council, or Legislative Assembly, or Civil Service.

15.—*Security.*—The Board shall make advances only on the security of a first mortgage on the following classes of land not being within the limits of any Borough or Township:—

- (a) Freehold land.
- (b) Quit rent land.
- (c) Land held under agreement of purchase from the Crown.
- (d) Land held under lease from the Crown.
- (e) Land held under private lease provided the landlord becomes a joint mortgagor.

16.—*Limit of Advances.*—Except in so far as hereinafter provided the amount advanced shall in no case exceed three-fifths of the value of the land as determined upon by the Board, and for the purpose of arriving at such value, the Board may in its discretion add the value of any immovable property already on the said land or intended to be erected thereon with the proceeds of the loan applied for: Provided that in any case where the borrower is already indebted to the Government the amount to be advanced by the Board shall not, when added to the said existing debt, exceed three-fifths of the value aforesaid.

17.—*Crown Land Partially Paid For.*—Where the advance is made upon the security of Crown lands partially paid for, such advance shall not exceed three-fifths of the amount of the purchase price already paid on account of such land, but the Board may in its discretion add the value of any immovable property already on the said land: Provided always that in the event of the agreement of purchase being at any time thereafter cancelled, and the land resumed by the Crown, the latter shall, in default of recovery from the mortgagor, repay to the fund the amount of the advance, together with such interest as may be due thereon.

18.—*Leasehold Lands*.—No advance upon the security of leasehold land held under the Crown or under private lease shall be granted for an amount exceeding three-fifths of the value of the lessee's interest in the lease, as assessed on behalf of and to the satisfaction of the Board: Provided that in assessing the value of a lessee's interest under a lease held from the Crown, it shall be in the discretion of the Board to take into account the value of permanent improvements or of such standing or recurring crops as will last beyond the period for which the loan is made. Provided always that in the event of the agreement of lease being at any time thereafter cancelled and the land resumed by the Crown, the latter shall, in default of recovery from the mortgagor, repay to the Fund the amount of the advance, together with such interest as may be due thereon.*

19. No advance on the security of leasehold lands shall be granted unless and until all covenants and conditions on the lessee's part, contained or implied in the lease, are complied with up to the date of the application for the advance.

20.—*Limitation of Amount*.—No loan shall be granted by the Board to any person for a less amount than Fifty Pounds (£50) or for a larger amount than One Thousand Five Hundred Pounds (£1,500), nor shall any person who is already indebted to the Fund in the sum of One Thousand Five Hundred Pounds (£1,500) be capable of receiving any further advance.

21.—*Priority of Applications*.—All applications for advances of Five Hundred Pounds (£500) or under shall have precedence over those for a larger amount.

22.—*Interest*.—The Governor may by regulation fix the rate of interest chargeable in respect of such sum or sums as may be advanced from the fund, and the rate so fixed shall be such as shall cover the interest on the fund, expenses of administration and to provide for a reserve fund.

Interest on all loans shall be payable on the 30th day of June and the 31st day of December in each year.

23.—*Kind of Loans*.—The Board may advance money—

- (a) By way of a loan for a limited period not exceeding five years, repayable at the end of the period of such loan: Provided that the mortgagor may at the due date of the half-yearly interest repay any sum not being less than Five Pounds or a multiple thereof in reduction of the principal sum.

*Section as amended by Act No. 27, 1908.

- (b) By way of a loan (hereinafter described as an instalment loan) for a period not exceeding thirty-five years, repayable by instalments during such period.

Applications for loans shall be made in the form and subject to the conditions prescribed.

24.—*Instalment Loan*.—Advances on instalment loans shall be subject to the following provisions:—

- (1) The loan with interest thereon shall be by half-yearly instalments payable on the 30th day of June and the 31st day of December in each year, such repayments not to exceed seventy in all.
- (2) The Board may in the case of loans for improvements agree, subject always to the half-yearly payment of interest, that the payment of instalments on account of the principal, shall not begin until the expiration of a period not exceeding three years from the date of the loan.
- (3) All such half-yearly instalments shall be calculated and paid according to a schedule attached to the mortgage bond, setting forth all such instalments, and showing to what extent each instalment is on account of the principal, and to what extent on account of interest, and also the balance due on the due date of each instalment.
- (4) Irrespective of the prescribed half-yearly instalments, the mortgagor shall be given the right from time to time or at any time to pay any sum not being less than Five Pounds or any multiple thereof in reduction of the mortgage debt: Provided that no such payment shall affect the prescribed half-yearly instalments or the obligations of the mortgagor in respect thereto, but the same shall be held and applied as hereinafter provided.
- (5) All such last-mentioned payments or multiple thereof shall be credited with simple interest at the rate payable on the loan, until such payments, together with the accumulations of interest thereon, are equal to the balance of the principal owing for the time being according to the said table, together with all other monies, if any, owing under the mortgage and thereupon. Such payments shall be set off against such principal and other monies, and the mortgagor shall be entitled to the discharge of the mortgage on payment of the prescribed fees.

25.—*Form of Mortgage.*—The general form of mortgage for securing loans shall be as prescribed, subject to such modifications and conditions as the Board may think fit and proper.

26.—*Right of Foreclosure.*—All mortgages shall be subject to the special condition, subject to such modifications as the Board may think fit and proper, that whenever a mortgagor shall make any default in the due and punctual payment of any monies due under the mortgage or in the carrying out of any of the conditions to be fulfilled and observed by him, it shall be lawful for the Board to call up and compel payment of all the principal, interest and other monies for the time being owing by such mortgagor, notwithstanding that the time or times appointed for the payment of the monies secured under the mortgage may not have arrived.

27.—*Security to be in Favour of the Board.*—All mortgage bonds securing advances shall be in the name of the Board, and shall be deposited in the Treasury upon payment by the Treasurer of the amount secured thereunder.

28.—*Security to be Completed before Advance is Made.*—No advance shall be made:

- (a) Until the Board shall have been satisfied with the title of the applicant and the mortgage bond securing the advance shall have been registered.
- (b) Until the manager shall have certified in writing to the Board that all the requirements of this Act have been complied with and that the applicant is entitled to the immediate receipt of the advance.

Provided that where an application is made for a loan for the purpose of paying off an existing bond an advance may be made of the amount due under such bond upon a cession of the bond to the Board pending the registration of a new bond in favour of the Board.*

29.—*Cost of Mortgage.*—Every mortgage bond shall be prepared and at the discharge thereof duly cancelled by the Board, subject to the payment of such fees as may be prescribed. All such mortgage bonds shall be signed by the Manager, and the said bond shall be accepted by the Registrar of Deeds in the same manner as if it had been prepared by a duly qualified conveyancer.

36.—*Person having a Pecuniary Interest not in any way to act.*—Any person who—

- (a) Having any pecuniary interest in any land tendered as security for a loan under this Act, or
- (b) Being a partner of the applicant for a loan, or
- (c) Being in any way interested in any loan,

*This proviso was added by Act No, 24, 1909.

acts as Inspector or valuer in connection with such land or loan, or sits at any meeting of the Board shall be liable to a penalty of not less than Fifty Pounds (£50) or more than Two Hundred Pounds (£200), and shall also be dismissed from office.

38.—*Relation of Insolvency Law.*—The law for the time being in force in this Colony relating to insolvency shall, in so far as the discharge of the insolvent is concerned, not apply to debts due under this Act, except in cases where the Board shall certify in writing its consent to the discharge of an insolvent from all debts due under this Act.

[Dated 18th Oct., 1907.]

III.—MISCELLANEOUS.

ACT No. 31, 1908.

“To impose a Cession Fee upon Cessions of Unregistered Crown Leases.”

1.—In the event of any cession of lands held under lease from the Crown, whether by the original lessee or by any subsequent holder, there shall, notwithstanding anything contained in the lease, be paid to the Government a fee at the rate of three per cent. upon such amount of the purchase price or other consideration to be paid or given on account of such cession as would not be exempted by the provisions of Law No. 20, 1865, from the payment of transfer duty.

The word “*cession*” as used in this Act includes transfer or assignment.

This Act shall not apply to a registered lease upon the cession of which transfer duties may be payable under Law No. 19, 1884.

Chapter XIII.

IRRIGATION LAWS.

[LAWS.—Law 26, 1837; Law 26, 1891.]

The former of the two Laws above noted empowers the Governor in Council to declare certain streams to be streams from which water may be conducted, and the area over which water may be conducted (which may include land not the property of the person or persons so carrying it). The second Law provides for advances for the purposes of constructing irrigation works. It also prescribes that when water is taken out of any river or stream for irrigation, the works are, as far as possible, to be so constructed as to return to the stream such water as is not necessarily consumed in irrigation.

LAW NO. 26, 1887.

“To enable Individuals and Companies to Lead Water for Purposes of Irrigation through Lands not their own.”

[*Abstract.**]

Short Title: “The Irrigation Law of 1886.”

2.—Land Clauses Consolidation Law, 1872, incorporated with this Law.

3.—Governor in Council may declare certain streams to be streams from which water may be conducted, and area over which water may be conducted. Owners may memorialise against declaration.

4.—Memorial to be reported on by Surveyor-General. If no valid objection Governor may declare streams available by notice in *Gazette*.

5.—Governor may grant leave for water to be carried from any declared streams over land not the property of those so carrying it.

6.—Application for permission, with plan of land to be traversed, and of works, to be sent to Surveyor-General, and copies to owners of land three months in advance. Twenty-eight day's notice to be given.

7.—If no objection lodged, Governor may declare applicant entitled to lead water and enter on the land.

*The length of the clauses in this Law and the one following oblige their condensation, which, however, will, it is thought, be sufficiently comprehensive for general purposes.

10.—Leader of water to have leave, upon notice, to enter on land for repairs to watercourse, and to take materials therefor from the land. Compensation for damage.

15.—Compensation for deprivation of water or water-right by conveyance under authority of this Law.

16.—Penalty of £10, or imprisonment for three months, for fraudulent diversion of water from authorised stream.

17.—Similar penalty for obstruction of person authorised to inspect and report, and for breaking down watercourse or embankment, or hindering flow of water, or causing it to escape.

18. “Any person or company availing himself or themselves of powers to construct a watercourse under this Law, shall, when required by the Resident Magistrate, by order, to do so, make and at all times maintain the following works, that is to say:—

“(a) Such and so many culverts or other means of communication as may be wanted over the watercourse, for the purpose of making good any interruptions, caused by the watercourse, over the land on which it is constructed.

“(b) Also sufficient fences for protecting against injury, person, persons, or stock passing by any places dangerous to their safety from depth of watercourse, or other causes resulting therefrom, and which would not be dangerous had the watercourse not been constructed.”

[Dated 2nd March, 1887.]

LAW NO. 26, 1891.

“To Promote Irrigation.”

1.—*Interpretation of Terms.*—“In the construction of this Law—

“‘Owner’ means that the registered owner of land, or the purchaser under a certificate of sale of Crown Lands purchased under any rules for the time being regulating the sale of Crown Lands, not less than three-fourths of the purchase price whereof shall have been paid, and includes any person, or partnership, or company.

“‘Person’ also includes a partnership or company.

“‘Works’ means the works of irrigation and artificial storage of water as specified in Section 3, in respect of which application is made for an advance under the provisions of this Law.”

2. “This Law shall not operate with respect to any land situated within the boundaries of any Township or Municipality.”

3.—Application may be made by landowner for an advance for purpose of irrigation.

4.—Written consent of mortgagees or lessees required.

5.—*Conditions upon which Advances may be made* [Full Text].—The conditions upon which advances may be made shall be as follows, that is to say:—

- (a) No advance shall exceed two-thirds of the estimated cost, as reported by the Colonial Engineer, of the works for the purposes of which such loan is applied for, nor two-thirds of the value of the land, if improved, or one-half of the value of the land, if unimproved, such value being computed at the rate per acre at which the upset price of Crown Lands in the locality is fixed. In the case of land purchased from Government, of which the freehold title shall not at the time of the construction of the works have been granted, no advance shall exceed one-half of the paid instalments calculated at the upset price, nor be made in any case in which less than three-quarters of the purchase price shall have been paid, nor if any instalments of purchase price shall be in arrear.
- (b) When the total amount of the advance has been determined, it shall be lawful for the Government to cause to be issued one-half of such advance before the work has been commenced.
- (c) It shall be lawful for the Colonial Treasurer from time to time, upon production to him of the provisional certificate before mentioned, having endorsed thereon a certificate by the Colonial Engineer, that the applicant has satisfactorily expended the first half of the advance on the work, to pay such amounts on account of the advance authorised, as represents the same proportion of the whole advance as the cost of the works executed bears to the whole estimated cost: Provided, however, that:
 - (1) Until the completion of the works such payments shall not in the whole exceed three-quarters of advance authorised.
 - (2) Such payments shall not be made more than once in every calendar month.

Any balance remaining unpaid at the time of the completion of the works shall be payable by the Colonial Treasurer upon the production to him of the provisional certificate aforesaid, having endorsed thereon a certificate by the Colonial Engineer that the works have been completed to his satisfaction.

9.—*Terms of Repayment* [Full Text].—Every advance made under the provisions of this Law shall be repayable in fifteen equal yearly instalments, the first instalment being due and payable at the end of one year after the date of the final payment on account of the advance, and shall bear interest at the rate of five per cent. per annum. Such instalments to be so calculated and fixed that the capital sum advanced and the interest thereon shall be paid off in the aforesaid period of fifteen years, as more particularly shown in Schedule A hereunto annexed: Provided that it shall be lawful for the person liable to pay such advance in instalments as aforesaid to pay in one sum the value at the time of payment of all the instalments then remaining unpaid as shown in Schedule B hereunto annexed. All such instalments of capital and interest shall be paid to the Colonial Engineer. For the purposes of this section, and the following sections, the advance shall be deemed to include, in addition to the amount lent, or to be lent to the owner as aforesaid, the whole of the costs incurred by the Colonial Government in the course of any inspections, enquiries, and other proceedings taken under the provisions of Section 5 of this Law, and the cost of such engineering supervision or inspection as the Colonial Engineer may consider necessary during the execution of the work. All such costs and expenses shall be deducted from the amounts payable to the owner under the provisions of Section 8 of this Law.

10.—Moneys due to Government to be a first charge on estate of borrower.

14.—*Return of Water to Stream whence taken* [Full Text].—Whenever by any works to be constructed under the provisions of this Law water is required to be taken out of a river or stream, such works shall be so constructed as to provide, as far as circumstances will permit, for the return of all water not necessarily consumed in irrigation to the river or stream from which it was taken. Nothing in this section contained shall be deemed to give any person any other or greater rights in respect of the taking of water than he would otherwise enjoy.

15.—Damage to land by construction or otherwise, brought within Law 16, 1872, Section 65.

[Dated 3rd Sept., 1891.]

Schedule A.

Table of equal Instalments payable at the end of each year for fifteen years, corresponding to amounts payable under Section No. 9 of this Law.

| Amount payable. | £ s. d. | | Equivalent instalments payable at the end of each year for 15 years. |
|-----------------|---------|-------|--|
| | £ s. d. | | £ s. d. |
| 1 | 0 | 1 11 | 80 |
| 2 | 0 | 3 10 | 90 |
| 3 | 0 | 5 9 | 100 |
| 4 | 0 | 7 8 | 200 |
| 5 | 0 | 9 8 | 300 |
| 6 | 0 | 11 7 | 400 |
| 7 | 0 | 13 6 | 500 |
| 8 | 0 | 15 5 | 600 |
| 9 | 0 | 17 4 | 700 |
| 10 | 0 | 19 3 | 800 |
| 20 | 1 | 18 6 | 900 |
| 30 | 2 | 17 10 | 1,000 |
| 40 | 3 | 17 1 | 2,000 |
| 50 | 4 | 16 4 | 3,000 |
| 60 | 5 | 15 7 | 4,000 |
| 70 | 6 | 14 11 | 5,000 |

NOTE.—Yearly instalments for any sum not mentioned in the above table, such as £2,128, may be obtained thus:—

| £ | £ s. d. | |
|--------------------|---------|----------|
| 2,000 gives | .. | 192 13 8 |
| 100 „ | .. | 9 12 8 |
| 20 „ | .. | 1 18 6 |
| 8 „ | .. | 0 15 5 |
| Therefore £2,128 „ | .. | £205 0 3 |

Schedule B.

Aggregate value of unpaid Instalments, each £100 in amount, of which the first is payable at once, and subsequently at yearly intervals.

| Number of Instalments of £100 each. | £ s. d. | | Aggregate Value. |
|-------------------------------------|---------|-------|------------------|
| | £ s. d. | | £ s. d. |
| 1 | 100 | 0 0 | 8 |
| 2 | 195 | 4 9 | 9 |
| 3 | 285 | 18 9 | 10 |
| 4 | 372 | 6 6 | 11 |
| 5 | 454 | 11 11 | 12 |
| 6 | 532 | 18 11 | 13 |
| 7 | 607 | 11 5 | 14 |

Chapter XIV.

MISCELLANEOUS.

[LAWS.—*Agricultural Societies*: Law 22, 1883. *Land for Public Purposes*: Law 2, 1880; Law 3, 1880; Act 10, 1899; Act 23, 1906. *Injuries to Animals on Railways*: Law 21, 1891.]

The registration of agricultural societies is provided for by Law No. 22 of 1883.

Act No. 23, 1906, provides for the compulsory acquisition of land, either by purchase or by exchange, for certain public purposes (a list of which will be found in the Schedule to the Act). Land for railways can be acquired under Act No. 10 of 1899; and provision is also made for the taking of water for the use of the railway. Compensation is provided for in certain cases. Compensation is also provided for under Law No. 2 of 1880 in certain cases of injury sustained by railway construction, *viz.*, in the case of damage to improved and bush lands. Law No. 3 of 1880 makes provision for the making of surveys for the extension of railways.

The liability of railway companies and other common carriers in respect of the loss of, or injury to, horses, cattle, and other animals delivered to them by carriage, is regulated by Law No. 21 of 1891.

I.—AGRICULTURAL SOCIETIES.

LAW No. 22, 1883.

“To provide for the Registration of Agricultural Societies.”

1.—*Definition of “Agricultural Society.”*—Whenever the words “Agricultural Society” are used in this Law they shall be held to mean any society or association having for its object the advancement of the agricultural or horticultural industries of the Colony.

2.—*Registration of Society.*—It shall be lawful for the members of any Agricultural Society to register such society under the provisions of this Law.

3.—*Mode of Registration.*—If the members of any Agricultural Society desire to register under this Law, they shall forward to the Registrar of Deeds a copy of the rules of their society, together with a certified copy of the resolution authorising the registration passed at any meeting of members duly convened, and the Registrar of Deeds shall, on

the payment of a fee of Ten Shillings and Sixpence Sterling, give to the secretary, chairman, or other authorised officer of such society, a certificate setting forth the facts of such registration.

4.—*Appointment of Trustees.*—Every society prior to registration shall, at a meeting convened for the purpose, nominate and appoint one or more person or persons as trustee or trustees, hereinafter called the trustees, and a copy of the resolution making such appointment shall be forwarded to the Registrar of Deeds to be filed with the copy of the rules in his office.

5.—*Immovable Property of Society to be Vested in Trustees.*—All immovable property belonging to any society registered under this Law shall be vested in such trustees or their successors for the time being, for the use and benefit of such society and the members thereof; and in all actions or suits or indictments in any Court the same shall be stated to be the property of the trustee without any further description.

6.—*Trustees to Bring or Defend any Action Concerning Immovable Property of Society.*—The trustees are hereby authorised to bring or defend any cause, suit, action, or prosecution in any Court, touching or concerning the right or claim to immovable property of any society of which they are trustees, and may sue and be sued in their proper names as trustees without further description: And in the event of the death or resignation of trustees, or of their removal from office, any action or suit may be proceeded with by or against their successors in office as though no such death, resignation, or removal from office had taken place.

7.—*Liability of Trustees.*—The trustees shall not be liable to make good any deficiency which may arise or happen in the funds of the society, unless such deficiency shall arise from their wrongful act, neglect, or default.

8.—*Amendments in Rules of Society may be Registered.*—It shall be competent for any society registered under this Law to register any alterations and amendments in its rules in the office of the Registrar of Deeds on payment of a fee of 5s. for each and every such registration.

9.—*Trustee Provisions of this Law not to apply to Society whose Incorporation Law does not Require Trustees.*—Clauses 4, 5, and 6 of this Law shall not apply to any incorporated society if the Law incorporating such society shall not require the appointment of trustees.

[Dated 12th Nov., 1883.]

II.—ACQUIREMENT OF LAND FOR PUBLIC PURPOSES.

 ACT No. 23, 1906.

*“To enable the Government to Acquire Land for Certain Public Purposes.”**

1.—*Compulsory Acquisition of Land.*—Whenever the Governor in Council shall by resolution declare that any land is required for a public purpose mentioned in the Schedule of this Act, the Governor shall thereupon be empowered, subject to the exceptions and conditions hereinafter contained, to purchase and take such land, or to acquire it by exchange or otherwise.

2.—*Incorporation of Lands Clauses Law.*—The Lands Clauses Consolidation Law, 1872, except as is otherwise provided, shall be incorporated with this Act.

3.—*Exempted Lands.*—The following shall be excepted from the operation of this Act:—

- (a) All lands belonging to His Majesty the King.
- (b) Streets, market places, and the like public places of any town or village.
- (c) Lands apportioned and used for churches and other religious purposes; lands used for schools, hospitals, cemeteries, and charitable and benevolent institutions, with as much adjacent land as is actually used in connection with any such church or other purpose as aforesaid.
- (d) Lands occupied by the buildings, works, and underakings of any Town Council, Local Board, Village Board, or other public authority; parks, libraries, show grounds, and all other lands belonging or leased to trustees for public purposes, and actually employed in the purposes of such trust.

The above exceptions shall not extend to lands which, though belonging to any public body or trustees are unused, or let to hire, or used otherwise than directly for the works, undertakings, or other objects of such body or institution.

In the event of the Town Council of any Borough or the Local Board of any Township having by vote reserved any particular piece or pieces of land in such Borough or Township respectively for any specific public purpose or purposes, such land shall not be purchased or acquired under the provisions of this Act by virtue of any resolution of the Governor in Council passed subsequently to such vote.

*See also Act No. 15, 1896, on the acquisition of lands for outspan places, (Ch. VI. iv),

4.—*Deposit under Land Clauses Law*.—Nothing in the Lands Clauses Consolidation Law, 1872, shall be deemed to require a deposit to be made by the Government with the Master of the Supreme Court in respect of the land taken or acquired under this Act.

5.—*Evidence of Resolution of Governor in Council*.—In any proceedings relating to land taken or acquired for public purposes under this Act, an extract from the records of the Executive Council, certified by the Clerk to the Executive Council, containing a resolution relative to the purchase, taking, or acquisition of the land, shall be conclusive evidence of the fact of such resolution.

[Dated 31st July, 1906.]

Schedule.

Schools, hospitals, post or telegraph offices, police stations, court houses, gaols, public offices, armouries, magazines, quarters, barracks, laagers, rifle ranges, and generally any buildings which may be needed for the use of any department of the public service, together with such land as the Governor in Council may deem to be reasonably proper to be attached to any of the above-mentioned buildings, having regard to their purpose.

ACT No. 10, 1899.

“To Empower the Governor to Acquire Land for open Railways, and to take and lead Water Required for Railway Purposes.”

3.—*Compensation*.—In arriving at the price or compensation to be paid in respect of the taking of land under this Act there shall be taken into account—

(a) The damage to be caused by the severance of the lands of the owner, or by any other cause injuriously affecting the same and arising out of the exercise of the powers given by this Act;

(b) The benefit and advantage to be derived by the owner from the works proposed to be carried out on such lands.

4.—*Re Land Clauses Consolidation Law*.—None of the provisions of the Lands Clauses Consolidation Law, 1872, requiring a deposit to be lodged with the Master of the Supreme Court, shall apply to the acquisition of land required for any line of railway now or hereafter to be constructed by the Colonial Government or worked by the Natal Government Railways.

5.—*Right to Use Water*.—The provisions of this Act shall likewise apply to the acquisition of the right to take or use any water required for the purposes of any railway constructed by the Colonial Government

or worked by the Natal Government Railways, and to the right to catch and collect water, to construct dams, weirs, and other works, to sink wells or shafts, to enclose and fence any water or waterworks, to lead and convey water over and through any land in furrows, or by pipes or otherwise, and generally for all necessary purposes for securing a sufficient supply of water. The provisions of this clause shall not apply to Municipalities constituted under Law No. 19, 1872, or to Townships constituted under Law No. 11, 1881, and any Laws or Acts amending the same.

6.—*Compensation*.—If the taking of water, by virtue of the powers conferred by this Act, shall injuriously affect any person through whose land the water passes, or who has, up to the time of the taking of the water, had the right to use the same, such person shall be entitled to compensation in terms of this Act.

[Dated 12th July, 1899.]

LAW No. 2, 1880.

“To Provide for the Compensation in Certain Cases of Injury Sustained by Railway Construction.”

2.—*Damage to Improved and Bush Lands*.—In all cases where claims for compensation have been or may be preferred by reason of damage caused by railway construction, by reason of any severance of lands improved by cultivation, irrigation, or otherwise, or by reason of damage done by the destruction of bush which may have saleable value, the compensation so claimed as aforesaid shall be ascertained and determined in the same way as are claims for compensation now made, preferred, and adjudicated upon under the provisions of Law No. 19 of 1875,* entitled Law “to provide for the construction and maintenance of the main roads of the Colony.”

LAW No. 3, 1880.

“To make Provision for the Making of Surveys for the Extension of Railways.”

4.—*Right of Entry upon Lands*.—Any Surveyor or other person who shall be so appointed under the provisions of this Law may, upon giving not less than twenty-four hours' notice to the registered proprietor, if resident within the Colony, or the occupier, enter upon any lands upon which he may deem it necessary to enter for the purposes of surveying and taking levels, and of probing or boring to ascertain the nature of the soil, and to do all acts necessary for the purpose of setting out the line of the works: Provided that any such notice shall not hold good for

*The text of this law will be found in Ch. VI., i.

more than one month; and provided that compensation be made to the owner or occupier thereof for any damage thereby occasioned, the amount of such compensation to be decided by the Resident Magistrate of the County or Division, whose decision shall be final, due notice of the Magistrate's enquiry into the claim to be previously given to the Surveyor by the complainant; and upon the day fixed in such notice the Magistrate may determine and decide upon the amount of compensation to be paid in respect of any such damage, and may award the amount of costs incidental to such inquiry, and determine by whom such costs shall be paid. Such compensation, and the costs, if any such should be so awarded against the Colonial Government, shall be a charge upon and be defrayed out of the general revenue of the Colony.

III.—INJURIES TO ANIMALS ON RAILWAYS.

LAW NO. 21, 1891.

"To Regulate the Liability of Railway Companies and other Common Carriers in respect of the Loss of, or Injury to, Horses, Cattle, and other Animals Delivered to them for Carriage."

1.—*Interpretation of Terms.*—In this Law—

"Carrier" shall include the Natal Government Railways, or any other Railway Company and other common carriers.

"Cattle" shall include bull, cow, ox, heifer, and calf.

2.—*Limitation of Carrier's Ordinary Liability.*—No carrier to whom any of the animals hereinafter mentioned shall be delivered for carriage shall be liable by reason of the loss of, or injury done to, any such animals beyond the sums hereinafter mentioned, that is to say:—

For any horse—Fifteen Pounds,

For any cattle—Seven Pounds per head,

For any ass or mule—Ten Pounds,

For any sheep, goat, pig, or dog—Twelve Shillings and Sixpence, Unless the person sending or delivering the same to such carrier shall, at the time of such delivery, have in writing declared them to be respectively of higher value than as above mentioned, and such increased charge as is hereinafter mentioned shall, in addition to the ordinary rate of charge, have been paid, or have been agreed to be paid to, and such engagement to pay shall have been accepted by, the carrier.

3.—*Increased Charge when Value of Animal Declared.*—When any animal shall be delivered to a carrier for carriage, and the value shall be declared as aforesaid, and shall exceed the sum mentioned in the preceding section in respect of each animal, it shall be lawful for the carrier

to demand, and receive, an increased charge as compensation for the greater risk and care thereby occasioned. Such increased rate of charge shall be notified by some notice affixed in legible characters in some conspicuous part of the office, warehouse, or other receiving place where such animals as aforesaid are received by the carrier for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such animals, and all persons sending any such animals shall be bound by such notice without proof that the same shall have come to their knowledge: Provided always, however, that the liability of a carrier shall in no case exceed the amounts following, that is to say:—

| | £ |
|-----------------------------|-----|
| Horses and Mares | 250 |
| Bulls | 150 |
| Cows | 50 |
| Rams | 100 |
| Ewes | 50 |
| Goats | 50 |
| Jackasses, imported | 100 |

4.—*Receipt for Animal Received at Special Rate.*—When the value shall have been so declared, and the increased rate of charge paid, or an engagement to pay the same shall have been accepted, the carrier shall, if thereto required, sign a receipt for the animal acknowledging the same to have been so received; and if such receipt shall not be given when required, the carrier as aforesaid shall not have or be entitled to any benefit or advantage under this Law, but shall be liable and responsible as at Common Law.

5.—*Saving of Obligation to Prove Value of Damages.*—Nothing in this Law shall be deemed to dispense with the obligation devolving upon any person claiming damages for the loss of or injury to any animal to prove the value of such animal or the amount of injury done.

[Dated 19th Aug., 1891.]



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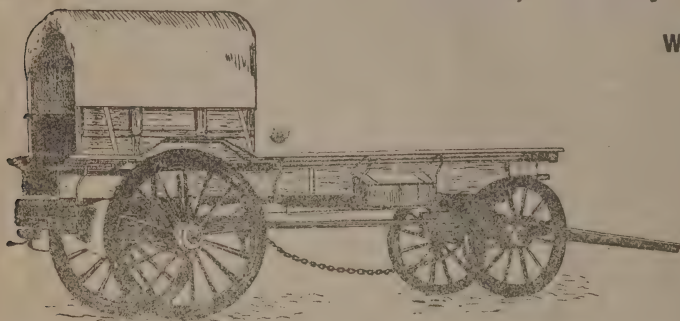
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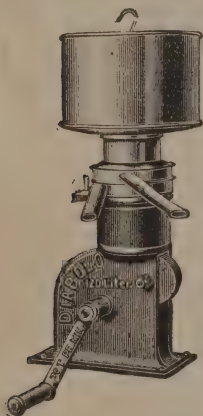
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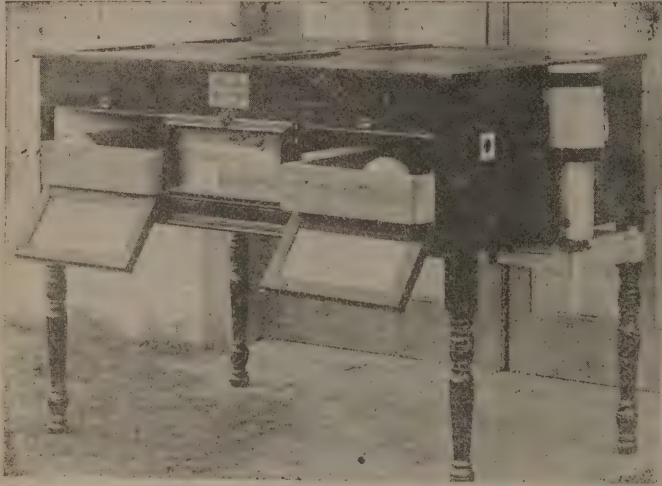
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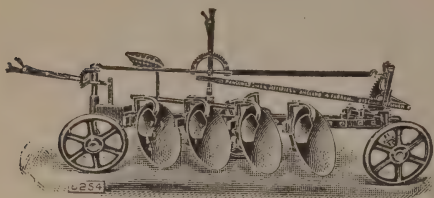
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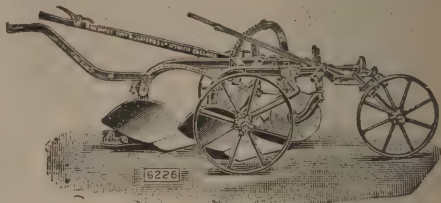
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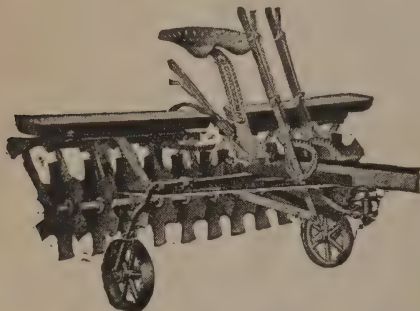


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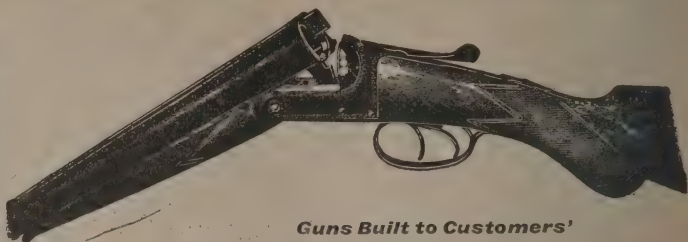
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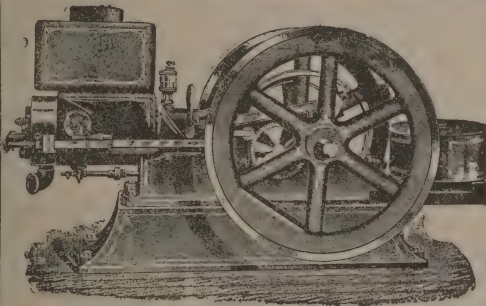
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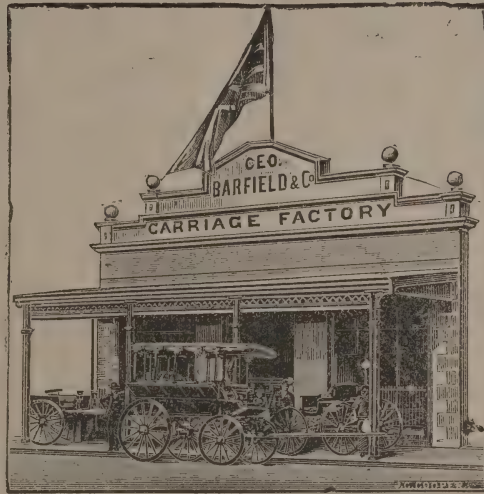
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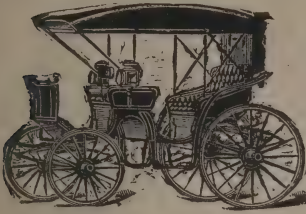
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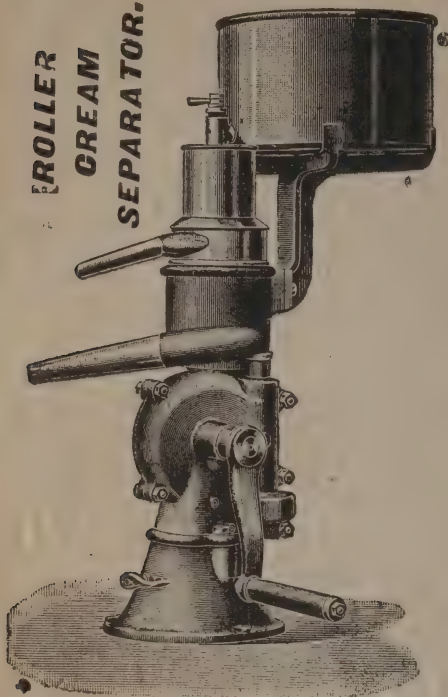
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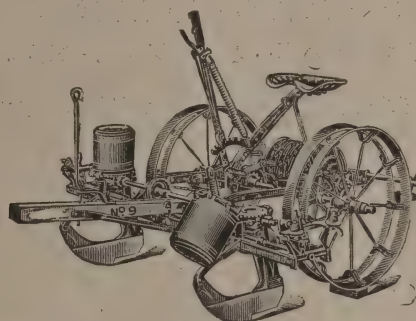
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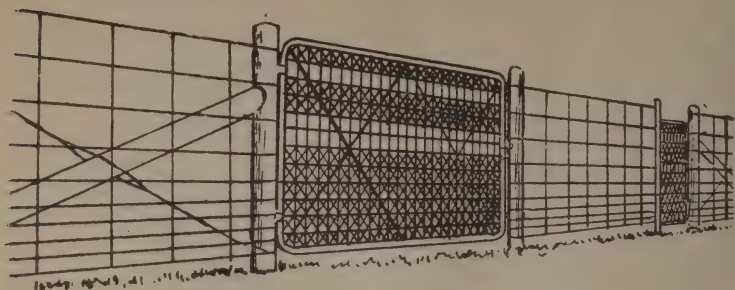
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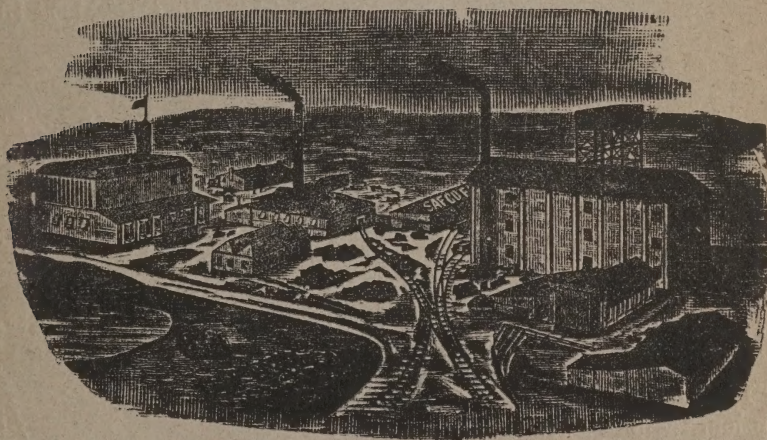
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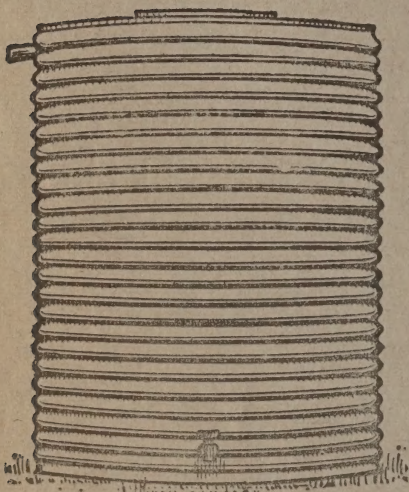
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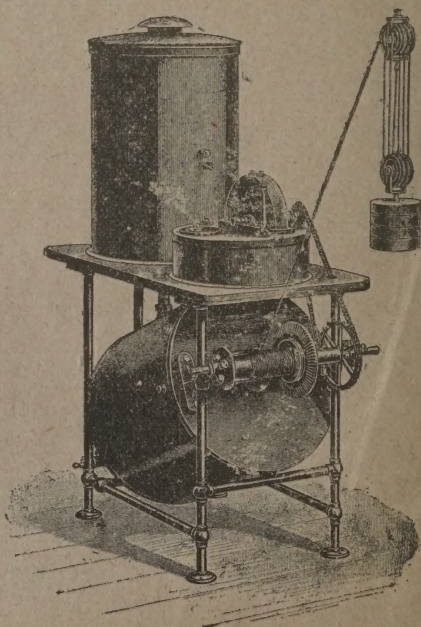
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